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ABSTRACT

This report outlines New York state's plan for vocational rehabilitation and supported employment services for federal fiscal years 1998-2000. Part 1 provides affirmatíve statements assuring that programs will be administered consistent with federal laws and regulations. Changes resulting from the federal regulations implementing the 1992 Rehabilitation Act amendments are included. Part 2 of the plan consists of attachments that describe the New York State Education Department Office of Vocational and Educational Services for Individuals with Disabilities' (VESID) plans, policies, and activities, including: (1) public comments on the state plan and the state's response; (2) views on state policies and administration; (3) transition to vocational rehabilitation services by students with disabilities; (4) personnel development; (5) policy, state plan and strategic plan changes; (6) due process procedures; (7) rehabilitation technology services; (8) personal assistance services; (9) consumer choice; (10) utilization of community rehabilitation programs; (11) explanation to support the decision not to establish an order of selection; (12) services subject to financial need; (13) statewide needs assessment of needs of individuals with severe disabilities; (14) quality, scope, and extent of supported employment services; (15) goals and plans for supported employment funds; (16) evidence of collaboration regarding supported employment services and extended services; and (17) outreach procedures for serving individuals with severe disabilities who are minorities. (CR)

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ED 418 536

STATE PLAN
FOR VOCATIONAL REHABILITATION AND SUPPORTED EMPLOYMENT SERVICES FOR FEDERAL FISCAL YEARS 1998, 1999 AND 2000

EFFECTIVE OCTOBER 1, 1997

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EC 306345

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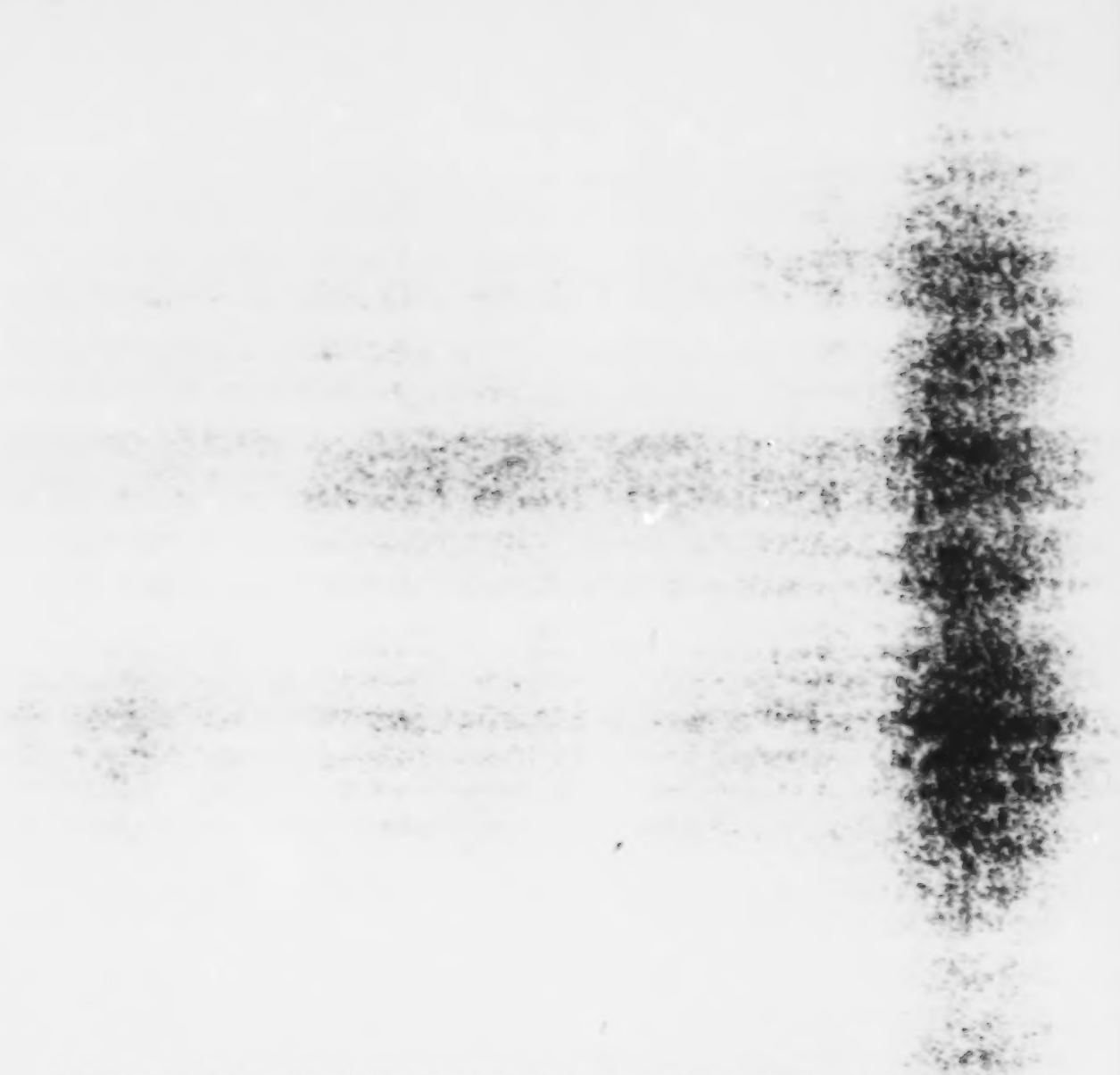

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STATE PLAN
FOR VOCATIONAL REHABILITATION AND SUPPORTED EMPLOYMENT SERVICES FOR FEDERAL FISCAL YEARS 1998, 1999 AND 2000

EFFECTIVE OCTOBER 1, 1997

NEW YORK STATE EDUCATION DEPARTMENT
OFFICE OF VOCATIONAL AND EDUCATIONAL SERVICES FOR INDIVIDUALS WITH DISABILITIES

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SUMMARY OF STATE PLAN FOR VOCATIONAL REHABILITATION AND SUPPORTED EMPLOYMENT SERVICES FOR FEDERAL FISCAL YEARS 1998, 1999 AND 2000

EXECUTIVE SUMMARY

The New York State Education Department's (SED) Office of Vocational and Educational Services for Individuals with Disabilities (VESID) is the designated New York State vocational rehabilitation agency for persons with disabilities, other than those who are legally blind. The Rehabilitation Act, as amended, calls for the State to prepare a three-year Plan, including the completion of preprinted assurances. The goals, objectives and activities within the following **New York State Plan for Vocational Rehabilitation and Supported Employment Services for Federal Fiscal Years 1998, 1999 and 2000** have been prepared to meet Federal guidelines in form and content in accordance with the law as specified in Section 101 of the Rehabilitation Act, as amended. The plan details the "...plans, policies and methods to be followed in carrying out the State Plan and its administration and supervision..." in providing vocational rehabilitation and supported employment services to individuals with disabilities in New York State. The State Plan is composed of the required assurances, affirmations and attachments describing how VESID will meet the requirements of the Rehabilitation Act, as amended. The plan reflects the most recent changes to Federal regulations, effective March 13, 1997.

VESID consulted in the development and revision of the State Plan and its supplement with the State Rehabilitation Advisory Council (SRAC). A summary of the SRAC's recommendations on the **State Plan** and other vocational rehabilitation program issues is contained in Attachment 4.4. Attachment 5.1(b): "Rehabilitation Technology Services" and Attachment 5.1(c): "Personal Assistance Services" particularly reflect SRAC's recommendations.

In developing the State Plan, VESID conducted six public meetings throughout the State, after appropriate and sufficient notice, to allow interested groups, organizations and individuals an opportunity to comment on a Proposed State Plan. The most significant issues that evoked public comment focused on changes to economic need, college policy, interagency issues, the 90 day requirement for successful rehabilitation closures and order of selection. A summary of the comments received and VESID's responses are identified in Attachment 2.3.

PART I of State Plan:

Preprinted Assurances- This section consists of affirmative statements assuring that VESID will administer the vocational rehabilitation and supported employment programs consistent with Federal law and regulations. The preprint incorporates significant changes resulting from the Federal regulations implementing the 1992

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Rehabilitation Act amendments. In most areas, these changes are Federal mandates and not State options. The major State Plan changes resulting from the revised Federal regulations include:

- specifying that the state vocational rehabilitation agency has specific responsibility that cannot be delegated.
- prohibiting state agencies from establishing arbitrary limits on the nature and scope of services.
- providing consumers with information needed to make informed choices. This information includes, at a minimum, information relating to the:
  (1) cost, accessibility, and duration of potential services;
  (2) level of consumer satisfaction with those services to the extent that such information is available;
  (3) qualifications of potential service providers;
  (4) types of services offered by those providers; and
  (5) degree to which services are provided in integrated settings.
- maintaining written standards for facilities and providers of services regarding accessibility, personnel and prevention of fraud, waste, and abuse.
- establishing standards for the prompt and equitable handling of referrals.
- applying eligibility requirements without regard to particular service needs, cost of services or financial need.
- requiring state agencies to pay for vocational rehabilitation services until comparable benefits become available.
- ensuring that economic need is applied uniformly to all individuals in similar circumstances and that an individual's contribution is reasonable, considers disability related expenses and is not so high as to effectively deny an individual a necessary service.
- requiring state agencies to establish standards for promptly developing the Individualized Written Rehabilitation Program (IWRP) and informing individuals of IWRP procedures.
- increasing the minimum duration for successfully maintaining employment from 60 to 90 days.

PART II of the State Plan:

Required Attachments - The attachments describe VESID's plans, policies and activities in a number of required areas.

Attachment 2.3: Summary of Public Comments on the State Plan and Its Supplement and State Unit's Response to the Community

Summarizes and provides relevant recommendations received from the 58 individuals who commented on the proposed State Plan during the public comment period. VESID's response to the public's comments is also provided.

indicating sections of the **State Plan** that were revised based on public comment.

Attachment 4.4: Views on State Policies and Administration of the State Plan

Provides a summary of the advice and recommendations provided by the State Rehabilitation Advisory Council (SRAC) throughout last year. The SRAC's advice focused on recommended changes for reauthorization of the Vocational Rehabilitation Act, the **State Plan** and vocational rehabilitation policy. VESID's response to the SRAC's comments is also provided, indicating sections of the State Plan that were revised based on SRAC's comments.

Attachment 4.9(b): Plans, Policies and Procedures Regarding the Transition to Vocational Rehabilitation Services of Students with Disabilities

Describes continuing activities and future plans for systems change, stakeholder participation, regional transition coordination sites, monitoring mechanisms, guidance initiatives, pre- and in-service training, expansion of adult opportunities, employment and interagency initiatives. Public comments in this area were generally supportive of VESID's direction of providing services to youth in school and offered advice which will be incorporated in implementation.

Attachment 4.11(b) Procedures and Activities Regarding the Establishment and Maintenance of a Comprehensive System of Personnel Development

Describes VESID's approach to ensuring an adequate supply of qualified professionals and paraprofessionals in the State. Also describes recent efforts to place rehabilitation counseling graduate students in internships with VESID. One comment was received from the public on this Attachment, which did not require a change.

Attachment 4.12(d) Policy, State Plan and Strategic Plan Changes; Methods to Expand and Improve Services to Individuals with the Most Severe Disabilities; Analysis of the Characteristics of Individuals Determined to be Ineligible and the Reasons for Those Determinations

Describes policy changes resulting from studies of economic need and college sponsorship which have been and are being considered by the Board of Regents this year. This area was the focus of many public comments. Based on the comments received on economic need, VESID has postponed the October 1, 1997 planned implementation. The comments on college policy have resulted in changes in VESID's recommendations that will be considered by the Board of Regents for implementation in Fall 1998 academic year.

Includes cooperative planning with other agencies, particularly for persons with mental illness and alcohol and drug abuse disabilities. Based on the recommendations received during the public comment process, a section describing VESID's initiative with the New York State Rehabilitation Association (NYSRA) to serve persons who are hard to place was added.

Describes persons who have been determined ineligible and the reasons for this determination.

Attachment 4.15: Due Process Procedures

Incorporates VESID's policy on impartial hearings, including the informal as well as formal review processes, the selection of hearing officers, conduct of hearings, Deputy Commissioner's review, consumer notification and default provisions. Commenters suggested eliminating the Deputy Commissioner's review from the process. However, as this level of review is established in Federal law, VESID has not incorporated this recommendation.

Attachment 5.1(b): Rehabilitation Technology Services

Incorporates VESID's policy for providing rehabilitation technology, including definitions of services VESID can provide, methods of assessing individuals' need for technology, strategic points in the vocational rehabilitation process when technology should be considered, qualifications of rehabilitation technology providers, service limits and methods of delivering rehabilitation technology services. This Attachment was revised, based on SRAC's advice, to remove reference to medically related equipment and comparable benefits. Public comment focused on the need for greater availability of rehabilitation technology.

Attachment 5.1(c): Personal Assistance Services

Incorporates VESID's policy on the delivery of personal assistance services, including definitions of the services VESID can provide, service limitations and the responsibility of other agencies, programs and employers to provide personal assistance. The Attachment was revised to reflect the SRAC's recommendation regarding consumer directed services and consistency with the Federal regulations.

Attachment 5.3: Policies and Procedures Relating to Choice

Incorporates VESID's policy on consumer involvement, including when and how individuals should be involved in the vocational rehabilitation process, considerations for vocational rehabilitation counselors and consumers in the selection of services and providers, and sources of information to support consumer involvement. Public comments were supportive of VESID's direction

on consumer involvement. The SRAC reviewed this Attachment, but did not make any comments specific to it.

Attachment 6.4: Utilization of Community Rehabilitation Programs

Describes the process and results of VESID's community rehabilitation program performance-based evaluation system, which was responsible for reviewing 112 programs, canceling eight programs and restructuring 18 other programs because of poor outcomes and consumer dissatisfaction. Seven additional programs voluntarily canceled operation when they were unable to achieve expected outcomes during the first year. Most public comments focused on the rates paid by VESID for services provided by community rehabilitation programs.

Attachment 6.7(b): Explanation to Support the Decision Not to Establish an Order of Selection

Includes the measures and projections of caseload size, reaffirms VESID's ability to serve all persons who apply and commits VESID to carefully monitor the impact of reforms in Welfare, Social Security and Workforce Development on VESID's resources. All but one respondent who commented on order of selection were strongly opposed to VESID implementing an order of selection.

Attachment 6.12(c)(2): Services Subject to Financial Need

Describes VESID's philosophy regarding economic need and lists services contingent on economic need. Public comment in this area highlighted the detrimental impact that sharing the cost of vocational rehabilitation services would have on many consumers, particularly those with severe disabilities and those transitioning from school to work. Commenters were concerned that many individuals would choose not to participate in vocational rehabilitation services and remain unemployed if they had to contribute. Other respondents were opposed to applying economic need to supported employment because they consider it a placement service. Comments also recommended continuing the exemption for interpreters because they believe that interpreters are a basic communication accommodation required under §504 and the Americans with Disabilities Act. Many other commenters were concerned about the way the changes would be implemented, particularly who would collect the individual's contribution. Because of the extent of comments received, VESID has postponed the implementation of changes planned for October 1, 1997.

Attachment 7.2: Summary of the Comprehensive, Statewide Needs Assessment of the Rehabilitation and Career Needs of Individuals with Severe Disabilities and the Need for Supported Employment Services

Describes the need for supported employment placements for persons with the most severe disabilities based on the comprehensive needs assessment and the coordination between vocational rehabilitation staff and secondary education staff through the joint development of effective transition plans. General comments from the public focused on increasing the availability of supported employment across the State.

Attachment 7.3: Quality, Scope, and Extent of Supported Employment Services

Describes VESID's interagency efforts to provide supported employment, updates data on the impact of supported employment on consumers and providers, and projects expected annual outcomes.

Attachment 7.4: Goals and Plans for Distribution of Title VI, Part C Funds

Describes VESID's plans for the use of Title VIc funds for supported employment. Information, in chart form, includes funding source, number of supported employment programs, consumers to be placed, types of disabilities served and supported employment model used.

Attachment 7.5: Evidence of Collaboration Regarding Supported Employment Services and Extended Services

Fully describes specific interagency strategies and accomplishments to increase integrated employment outcomes.

Describes the parameters of supported employment in New York State, including expectations for levels of integration, intensive and extended services, payment of wages and hourly employment goals.

Attachment 7.6: Outreach Procedures for Identifying and Serving Individuals with the Most Severe Disabilities Who are Minorities

Updates continuing activities to reach out to underserved populations and describes plans for minority internships in the District Offices and training with independent living center staff.

PART I -
PREPRINTED ASSURANCES

STATE PLAN FOR THE STATE VOCATIONAL REHABILITATION SERVICES PROGRAM
AND
STATE PLAN SUPPLEMENT FOR THE STATE SUPPORTED EMPLOYMENT SERVICES PROGRAM
FISCAL YEARS 1998-2000

STATE: New York

AGENCY: State Education Department

AGENCY TYPE: GENERAL X BLIND ____ COMBINED ____

SECTION 1: LEGAL BASIS AND STATE CERTIFICATIONS

1.1 The New York State Education Department (name of designated State agency or designated State unit) is authorized to submit this State plan under title I of the Rehabilitation Act of 1973, as amended[1] and its supplement under title VI, part C of the Act.[2]

1.2 As a condition for the receipt of Federal funds under title I of the Act for vocational rehabilitation services, the New York State Education Department (name of the designated State agency)[3] agrees to operate and administer the State Vocational Rehabilitation Services Program in accordance with the provisions of this State plan[4], the Act, and all applicable regulations[5], policies, and procedures established by the Secretary.

1.3 As a condition for the receipt of Federal funds under title VI, part C of the Act for supported employment services, the Ofc. of Voc. & Ed. Serv. for Ind. w/Dis. (name of designated State unit)[6] agrees to operate and administer the State Supported Employment Services Program in accordance with the provisions of the supplement to this State plan[7], the Act, and all applicable regulations[8], policies, and procedures established by the Secretary.

1.4 The designated State agency and/or the designated State unit has the authority under State law to perform the functions of the State regarding this State plan and its supplement.

1.5 The State legally may carry out each provision of the State plan and its supplement.

1.6 All provisions of the State plan and its supplement are consistent with State law.

1.7 The Chief Operating Officer (title of State officer) has the authority under State law to receive, hold, and disburse Federal funds made available under this State plan and its supplement.

1.8 The Chief Operating Officer (title of State officer) has the authority to submit this State plan for vocational rehabilitation services and the State plan supplement for supported employment services.

1.9 The agency that submits this State plan and its supplement has adopted or otherwise formally approved the plan and its supplement.

1.10 The effective date of this State plan and its supplement is October 1, 1997.

(Signature)

Richard H. Cate
(Typed Name of Signatory)

6/20/97
(Date)

Chief Operating Officer
(Title)

[1] Public Law 93-112, as amended by Public Laws 93-516, 95-602, 98-221, 99-506, 100-630, 102-569, and 103-073.

[2] Unless otherwise stated, "Act" means the Rehabilitation Act of 1973, as amended.

[3] All references in this plan to "designated State agency" or to "the State agency" relate to the agency identified in this paragraph.

[4] No funds under title I of the Act may be awarded without an approved State plan in accordance with section 101(a) of the Act and 34 CFR part 361.

[5] Applicable regulations include the Education Department General Administrative Regulations (EDGAR) in 34 CFR parts 74, 76, 77, 79, 80, 81, 82, 85, and 86 and the State Vocational Rehabilitation Services Program regulations in 34 CFR part 361.

[6] All references in this State plan and its supplement to "designated State unit" relate to the agency identified in this paragraph.

[7] No funds under title VI, part C of the Act may be awarded without an approved supplement to the title I State plan in accordance with section 635(a) of the Act.

[8] Applicable regulations include the EDGAR citations in footnote 5, 34 CFR Part 361, and 34 CFR part 363.

SECTION 2: DEVELOPMENT OF THE STATE PLAN AND ITS SUPPLEMENT

2.1 **Public participation requirements.** (Section 101(a)(23) of the Act; 34 CFR 361.20(a) and 363.11(g)(9))

(a) The State unit conducts public meetings throughout the State to provide all segments of the public, including interested groups, organizations, and individuals, an opportunity to comment on the State plan and its supplement prior to their development and to comment on any revisions to the State plan and its supplement.

(b) Prior to conducting the public meetings, the State unit provides appropriate and sufficient notice throughout the State of the meetings in accordance with State law governing public meetings or, in the absence of such State law, in accordance with procedures developed by the State unit in consultation with the State Rehabilitation Advisory Council, if the State unit has a Council.

2.2 **Special consultation requirements.** (Sections 101(a)(20) and (23) of the Act; 34 CFR 361.20(b))

The State unit consults in the development and revision of the State plan and its supplement with the Client Assistance Program director, the State Rehabilitation Advisory Council, if the State unit has a Council, and, as appropriate, those Indian tribes, tribal organizations, and native Hawaiian organizations that represent significant numbers of individuals with disabilities within the State.

EFFECTIVE DATE: October 1, 1997

2.3 **Summary of public comments.** (Section 101(a)(23) of the Act; 34 CFR 361.20(c) and 363.11(g)(9))

Attachment 2.3 summarizes the public comments on the State plan and its supplement, including comments on revisions to the State plan and its supplement, and the State unit's response to those comments.

2.4 **State review process.** (34 CFR Part 79)

If the State plan, its supplement, or amendment to the State plan is subject to the State review process, such materials are reviewed and commented on in accordance with the provisions of Executive Order 12372, and comments provided by the State review process are transmitted to the Rehabilitation Services Administration.

This State plan and its supplement are subject to the State review process.

Yes X No ____

SECTION 3: SUBMISSION OF THE STATE PLAN AND ITS SUPPLEMENT

3.1 **Submittal of the State plan, its supplement, and revisions to the plan.** (Sections 101(a) and 635(a) of the Act; 34 CFR 76.104, .140, .141, and .142; 34 CFR 361.10 and 363.10)

The State submits this State plan and its supplement to the Secretary for approval covering a three-year period (unless the Secretary has determined a different period under 34 CFR 361.10(e)) and within the timeframes described in 34 CFR 361.10(f). The State submits revisions to the State plan and its supplement in accordance with the requirements of 34 CFR 361.10(g).

3.2 **Consolidated plans.** (Section 6 of the Act; 34 CFR 361.10(c))

This State plan is a consolidated plan that includes the State plans for the vocational rehabilitation program and the developmental disabilities program.

Yes ____ No X

EFFECTIVE DATE:

EFFECTIVE DATE: October 1, 1997

3.3 **Supported employment plan.** (Sections 101(a)(25) and 635(a) of the Act; 34 CFR 361.34(a))

The State has an acceptable plan under 34 CFR Part 363 that provides for the use of funds under that part to supplement funds under 34 CFR Part 361 for the cost of services leading to supported employment.

3.4 **Strategic plan.** (Sections 101(a)(34), 120 and 122 of the Act; 34 CFR 361.35, 70 and 71)

(a) The State has a three-year strategic plan to expand and improve vocational rehabilitation services, including supported employment services, for individuals with disabilities on a statewide basis in accordance with Subpart D of 34 CFR Part 361.

(b) The State uses at least 1.5 percent of its allotment under 34 CFR 361.65 for expansion and improvement activities in accordance with 34 CFR 361.73(b).

(c) The State submits its strategic plan to the Rehabilitation Services Administration at the same time it submits the State plan and supplement.

SECTION 4: ADMINISTRATION OF THE STATE PLAN

4.1 **Designated State agency and designated State unit.** (Sections 101(a)(1) and (2) of the Act; 34 CFR 361.13)

(a) **Designated State agency.**

There is a State agency designated as the sole State agency to administer the State plan, or to supervise its administration in a political subdivision of the State by a sole local agency, in accordance with the requirements in 34 CFR 361.13(a).

The designated State agency is:

(1) _____ A State agency that is an independent State commission, board, or other agency that has as its major function vocational rehabilitation or vocational and other rehabilitation of individuals with disabilities, or, as appropriate, individuals who are blind.

(2) X The State agency administering or supervising the administration of education or vocational education in the State and which has a designated vocational rehabilitation unit as provided in 34 CFR 361.13(b) and paragraph (b) of this section of the State plan.

(3) _____ A State agency that has a designated vocational rehabilitation unit, as provided in 34 CFR 361.13(b) and paragraph (b) of this section of the State plan, and at least two other major organizational units, each of which administers one or more of the State's major programs of public education, public health, public welfare, or labor.

(4) _____ For American Samoa, the Governor.

(5) _____ A State commission or other agency that provides assistance or services to individuals who are blind and which is authorized under State law to provide vocational rehabilitation services to individuals who are blind and since it is not primarily concerned with vocational rehabilitation, it includes a designated State vocational rehabilitation unit as provided in 34 CFR 361.13(b) and paragraph (b) of this section of the State plan.

(b) Designated State unit.

If the designated State agency is of the type identified in either (a)(2) or (a)(3) of this section, or if the designated State agency for individuals who are blind is of the type identified in (a)(5) of this section and does not have as its major function vocational rehabilitation or vocational and other

rehabilitation of individuals with disabilities, the State agency includes a vocational rehabilitation bureau, division, or unit that:

(1) is primarily concerned with vocational rehabilitation or vocational and other rehabilitation of individuals with disabilities and is responsible for the administration of the State agency's vocational rehabilitation program under the State plan, including those responsibilities specified in paragraph (5) of this subsection;

(2) has a full-time director;

(3) has a staff, at least 90 percent of whom are employed full time on the rehabilitation work of the organizational unit;

(4) is located at an organizational level and has an organizational status within the designated State agency comparable to that of other major organizational units of the agency or, in the case of an agency described in paragraph (a)(2) of this section, is so located and has that status or has a director who is the executive officer of the designated State agency; and

(5) at a minimum, has the following responsibilities that cannot be delegated to any other agency or individual:

(A) all decisions affecting eligibility for vocational rehabilitation services, the nature and scope of available services, and the provision of services;

(B) the determination that an individual has achieved an employment outcome consistent with the provisions of 34 CFR 361.56 and paragraph 6.15 of this State plan;

(C) policy formulation and implementation; and

(D) allocation and expenditure of vocational rehabilitation funds.

EFFECTIVE DATE: October 1, 1997

4.2 **Independent commission or state rehabilitation advisory council.** (Sections 101(a)(36) and 105 of the Act; 34 CFR 361.16 and .17)

The State plan must contain one of the following two assurances.

(a)_____ The designated State agency is an independent consumer-controlled State commission that is primarily concerned with vocational rehabilitation or vocational and other rehabilitation and complies with the requirements in 34 CFR 361.16(a)(1)

or

(b) X The State has established a State Rehabilitation Advisory Council that meets the requirements of 34 CFR 361.17 and the designated State unit:

(1) seeks and seriously considers, on a regular and ongoing basis, advice from the Council regarding the development, implementation, and amendment of the State plan and its supplement, the strategic plan, and other policies and procedures of general applicability pertaining to the provision of vocational rehabilitation services in the State; and

(2) transmits to the Council:

(A) all plans, reports, and other information required under the Act to be submitted to the Secretary;

(B) copies of all written policies, practices, and procedures of general applicability provided to or used by rehabilitation personnel; and

(C) copies of due process hearing decisions in a manner that preserves the confidentiality of the participants in the hearings.

27 4.3 **Consultations regarding the administration of the State plan.** (Section 101(a)(18) of the Act; 34 CFR 361.21(a)) 28

In connection with matters of general policy development and implementation arising in the administration of the State plan, the State unit seeks and takes into account the views of:

(a) individuals who receive vocational rehabilitation services or, as appropriate, the individuals' representatives;

(b) personnel working in the field of vocational rehabilitation;

(c) providers of vocational rehabilitation services;

(d) the Client Assistance Program director; and

(e) the State Rehabilitation Advisory Council, if the State unit has a Council.

4.4 Views on State policies and administration of the State plan. (Sections 101(a)(32), (36)(ii) and (iii) of the Act; 34 CFR 361.16(a)(2)(iv), .20(a)(3) and .21(b))

Attachment 4.4 describes how the State unit takes into consideration the views regarding State policy and administration of the State plan that are expressed in the consumer satisfaction surveys conducted by the State Rehabilitation Advisory Council or by the State agency if it is a consumer-controlled independent commission that meets the requirements of 34 CFR 361.16(a)(1).

(a) <u>If the State unit has a State Rehabilitation Advisory Council,</u> Attachment 4.4 also summarizes annually the:

(1) advice provided by the Council, including recommendations from the annual report of the Council and other reports prepared by the Council;

(2) State agency's response to the advice and recommendations, including the manner in which the State has modified its policies and procedures based on the survey of consumer satisfaction; and

(3) reasons for rejecting any advice or recommendations of the Council.

EFFECTIVE DATE: October 1, 1997

(b) If the designated State agency is an independent consumer-controlled commission that meets the requirements of 34 CFR 361.16(a)(1), Attachment 4.4 also describes how the agency has modified its policies and procedures based on the results of the consumer satisfaction surveys.

4.5 Local administration. (Section 101(a)(1)(A) of the Act; 34 CFR 361.15)

If the State plan provides for local administration, each local agency is under the supervision of the designated State unit and is the sole local agency responsible for the administration of the program within the political subdivision that it serves.

This State plan provides for local administration.

Yes____ No X

IF YES, Attachment 4.5 identifies each local agency and describes the methods each local agency uses to administer the vocational rehabilitation program in accordance with the State plan.

4.6 Statewideness and waivers of statewideness. (Sections 101(a)(1)(A) and (4) of the Act; 34 CFR 361.25 and .26)

(a) Services provided under the State plan are available in all political subdivisions of the State.

YES X NO____

(b) The State unit provides services in one or more political subdivisions of the State that increase services or expand the scope of services that are available statewide under the State plan and the:

(1) non-Federal share of the cost of these services is met from funds provided by a local public agency, including funds contributed to a local public agency by a private agency, organization, or individual; and

(2) services are likely to promote the vocational rehabilitation of substantially larger numbers of individuals with disabilities or of individuals with disabilities with particular types of impairments.

Yes_____ No__X__

IF YES, Attachment 4.6(b) requests a waiver of statewideness in accordance with the requirements in 34 CFR 361.26(b).

4.7 **Shared funding and administration of joint programs.** (Section 101(a)(1)(A) of the Act; 34 CFR 361.27)

The State unit is carrying out a joint program involving shared funding and administrative responsibility with another State agency or a local public agency to provide services to individuals with disabilities.

Yes_____ No__X___

(a) IF YES, Attachment 4.7(a) describes the:

(1) nature and scope of the joint program;

(2) services to be provided;

(3) respective roles of each participating agency in the provision of services and their administration; and

(4) share of the costs to be assumed by each agency.

(b) If the joint program provides services in one or more political subdivisions of the State that increase services or expand the scope of services available under the State plan, the State requests a waiver of statewideness in accordance with the provisions of 34 CFR 361.26 and paragraph 6 of this section.

4.8 Third-party cooperative arrangements involving funds from other public agencies (Section 101(a)(1)(A); 34 CFR 361.28)

The designated State unit has entered into a third-party cooperative arrangement for providing or administering vocational rehabilitation services with another State agency or a local public agency that is furnishing part or all of the non-Federal share.

Yes ____ No X

(a) IF YES:

(1) The services provided by the cooperating agency are not the customary or typical services provided by that agency but are new services that have a vocational rehabilitation focus or are existing services that have been modified, adapted, expanded, or reconfigured to have a vocational rehabilitation focus.

(2) The services provided by the cooperating agency are only available to applicants for, or recipients of, services from the designated State unit.

(3) Program expenditures and staff providing services under the cooperative arrangement are under the administrative supervision of the designated State unit.

(4) All State plan requirements, including the State's order of selection, if an order is in effect, will apply to all services provided under the cooperative program.

(b) If the third-party cooperative program provides services in one or more political subdivisions of the State that increase services or expand the scope of services available under the State plan, the State requests a waiver of statewideness in accordance with the provisions of 34 CFR 361.26 and paragraph 6 of this section.

4.9 **Formal cooperative agreements and arrangements.** (Sections 101(a)(11), (22), (24), (30), and (33) of the Act; 34 CFR 361.22, .23, and .24)

(a) The State unit enters into formal interagency agreements meeting the requirements in 34 CFR 361.22(a)(2) with the State education agency and, as appropriate, with local education agencies, that are responsible for the free appropriate public education of students who are receiving special education services.

(b) Attachment 4.9(b) contains the plans, policies, and procedures to:

(1) facilitate the transition of students who are receiving special education services from the provision of a free appropriate public education under the responsibility of an educational agency to the provision of vocational rehabilitation services under the responsibility of the designated State unit; and

(2) ensure outreach to and identification of students with disabilities who are not receiving special education services and to ensure their access to and receipt of vocational rehabilitation services, if appropriate.

(c) There are specific arrangements or agreements for the coordination of services for any individual who is eligible for vocational rehabilitation services and is also eligible for services under the Carl D. Perkins Vocational and Applied Technology Education Act or the Javits-Wagner-O'Day Act.

(d) The State unit cooperates with other Federal, State, and local public agencies providing services related to the rehabilitation of individuals with disabilities.

(e) In those States in which there is a separate designated State unit for individuals who are blind and also a designated State unit for all other individuals with disabilities, the two State units:

(1) have established reciprocal referral services;

(2) use each other's services and facilities to the extent feasible;

(3) jointly plan activities to improve services in the State for individuals with multiple impairments, including visual impairments; and

(4) otherwise cooperate to provide more effective services, including, if appropriate, entering into a written cooperative agreement.

(f) The State unit has established and coordinates working relationships with the Statewide Independent Living Council established under 34 CFR Part 364 and with independent living centers within the State.

4.10 Methods of administration. (Section 101(a)(6) of the Act; 34 CFR 361.12)

The State agency, and the designated State unit if applicable, employs methods of administration found necessary by the Secretary for the proper and efficient administration of the plan and for carrying out all functions for which the State is responsible under the State plan and 34 CFR Part 361, including procedures to ensure accurate data collection and financial accountability.

4.11 Comprehensive system of personnel development. (Sections 101(a)(6)(A), (7), and (35) of the Act; 34 CFR 361.18 and .19)

(a) The designated State agency has implemented a comprehensive system of personnel development that meets the requirements of 34 CFR 361.18.

(b) Attachment 4.11(b) describes the State's procedures and activities for the establishment and maintenance of a comprehensive system of personnel development to ensure an adequate supply of qualified professionals and paraprofessionals for the designated State unit.

This description reflects the requirements of 34 CFR 361.18 with respect to:

(1) collecting and analyzing on an annual basis data on qualified personnel needs and personnel development;

(2) developing, updating, and implementing a plan to address current and projected needs for qualified personnel;

(3) establishing and maintaining standards to ensure that professional and paraprofessional personnel are appropriately and adequately prepared and trained;

(4) ensuring that all designated State unit personnel receive appropriate and adequate training, including a description of a system of staff development, particularly relating to:

(A) rehabilitation technology;

(B) procedures to acquire and disseminate significant knowledge from research and other sources; and

(C) the Rehabilitation Act Amendments of 1992.

(5) addressing, through agency staff and/or by obtaining the services of others able to communicate in appropriate modes of communication or in native languages, the individual communication needs of applicants for and recipients of services;

(6) evaluating the performance of rehabilitation counselors, coordinators, and other personnel within the context of the purpose of the vocational rehabilitation program and the policy of serving individuals with the most severe disabilities; and

(7) coordinating the designated State unit's comprehensive system of personnel development with personnel development under the Individuals with Disabilities Education Act.

(c) The designated State agency takes affirmative action to employ and advance in employment qualified individuals with disabilities.

EFFECTIVE DATE: October 1, 1997

4.12 **Statewide studies and evaluations.** (Sections 101(a)(5)(A) and (B), (9)(D), (15)(A), (C) and (D), (19), 105(c)(2) and 635(b)(2) of the Act; 34 CFR 361.29 and 363.11(b))

(a) The State unit seeks the advice of the State Rehabilitation Advisory Council, if the State unit has a Council, regarding the continuing statewide studies and the annual evaluation identified in (b) and (c) of this section and, at the discretion of the State agency, seeks assistance from the Council in the preparation and analysis of the studies and evaluation.

(b) The State unit conducts continuing statewide studies to determine the current needs of individuals with disabilities within the State and the best methods to meet those needs.

As part of the development of the State plan, the continuing statewide studies, at a minimum, include:

(1) a triennial comprehensive assessment of the rehabilitation needs of individuals with severe disabilities who reside in the State, including the need for supported employment services;

(2) a triennial review of the effectiveness of outreach procedures used to identify and serve individuals with disabilities who are minorities and individuals with disabilities who are unserved and underserved by the vocational rehabilitation system; and

(3) a triennial review of a broad variety of methods to provide, expand, and improve vocational rehabilitation services to individuals with the most severe disabilities, including individuals receiving supported employment services under 34 CFR Part 363.

(c) The State unit conducts an annual evaluation of the effectiveness of the State's vocational rehabilitation program in providing vocational rehabilitation and supported employment services, especially to individuals with the most severe disabilities.

EFFECTIVE DATE: October 1, 1997

The annual evaluation analyzes the extent to which:

(1) the State has achieved the goals and priorities established in the State plan and annual amendments to the plan; and

(2) the State is in compliance with the evaluation standards and performance indicators established by the Secretary, pursuant to section 106 of the Act.

(d) Attachment 4.12(d) describes on an annual basis the:

(1) changes that have been adopted in policy, in the State plan and its amendments, and in the strategic plan and its amendments as a result of the statewide studies and the annual program evaluation;

(2) methods to expand and improve vocational rehabilitation services to individuals with the most severe disabilities, including the State unit's criteria for determining which individuals are individuals with the most severe disabilities; and

(3) analysis of the characteristics of individuals determined to be ineligible for services and the reasons for the ineligibility determinations.

(e) The designated State unit maintains copies of the statewide studies and the annual evaluations and makes them available to the Secretary upon request.

4.13 State-imposed requirements. (Section 17 of the Act; 34 CFR 361.39)

The designated State unit identifies upon request those regulations and policies relating to the administration or operation of its vocational rehabilitation program that are State-imposed, including any regulations or policy based on State interpretation of any Federal law, regulations, or guidelines.

4.14 Protection, use, and release of personal information. (Sections 12(c) and 101(a)(6)(A) of the Act; 34 CFR 361.38)

The designated State agency and the designated State unit have policies and procedures that are consistent with the provisions in 34 CFR 361.38 to safeguard the confidentiality of all personal information, including photographs and lists of names.

4.15 Review of rehabilitation counselor or coordinator determinations. (Section 102(d) of the Act; 34 CFR 361.57)

Attachment 4.15 contains the procedures, including the standards of review related to the decision of the director of the designated State unit to review any decision of the impartial hearing officer, established by the director of the designated State unit in accordance with the provisions of 34 CFR 361.57 to ensure that any applicant or eligible individual who is dissatisfied with any determinations made by a rehabilitation counselor or coordinator concerning the furnishing or denial of services may request, or if appropriate may request through the individual's representative, a timely review of those determinations.

4.16 Reports. (Section 101(a)(10) of the Act; 34 CFR 361.40)

The State unit submits reports in the form and detail and at the time required by the Secretary and complies with any requirements necessary to ensure the correctness and verification of those reports.

SECTION 5: SCOPE OF THE STATE VOCATIONAL REHABILITATION SERVICES PROGRAM

5.1 Scope of vocational rehabilitation services for individuals with disabilities. (Section 103(a) of the Act; 34 CFR 361.48(a))

(a) As appropriate to the vocational rehabilitation needs of each individual and consistent with each individual's informed choice, the designated State unit provides the following vocational rehabilitation services:

(1) assessment for determining eligibility and priority for services;

(2) assessment for determining vocational rehabilitation needs;

(3) vocational rehabilitation counseling and guidance;

(4) referral and other services to help applicants and eligible individuals secure needed services from other agencies and to advise those individuals about client assistance programs established under 34 CFR 370;

(5) physical and mental restoration services;

(6) vocational and other training services, including personal and vocational adjustment training, books, tools, and other training materials, except that no training in an institution of higher education may be paid for with title I funds unless the individual and the designated State unit make maximum efforts to secure grant assistance from other sources to pay in whole or in part for the training;

(7) maintenance;

(8) transportation in connection with the rendering of any vocational rehabilitation service;

(9) vocational rehabilitation services to family members if necessary to enable the individual to achieve an employment outcome;

(10) interpreter services for individuals who are deaf and tactile interpreting services for individuals who are deaf-blind;

(11) reader services, rehabilitation teaching services, and orientation and mobility services for individuals who are blind;

(12) recruitment and training services to provide new employment opportunities in the fields of rehabilitation, health, welfare, public safety, law enforcement, and other appropriate public service employment;

EFFECTIVE DATE: October 1, 1997

(13) job search and placement assistance and job retention services;

(14) supported employment services;

(15) personal assistance services;

(16) post-employment services;

(17) occupational licenses, tools, equipment, initial stocks, and supplies;

(18) rehabilitation technology, including vehicular modification, telecommunications, sensory, and other technological aids and devices;

(19) transition services; and

(20) other goods and services determined necessary for the individual with a disability to achieve an employment outcome.

(b) **Rehabilitation technology services.** (Section 101(a)(5)(C) and (31) of the Act; 34 CFR 361.48(b)(1), (2) and (3))

Attachment 5.1(b) describes:

(1) the manner in which a broad range of rehabilitation technology services are provided at each stage of the rehabilitation process and on a statewide basis;

(2) the training that is provided to vocational rehabilitation counselors, client assistance personnel, and other related services personnel on the provision of rehabilitation technology services; and

(3) the manner in which assistive technology devices and services are provided, or worksite assessments are made, as part of the assessment to determine the eligibility and vocational rehabilitation needs of the individual.

EFFECTIVE DATE: October 1, 1997

(c) **Personal assistance services.** (Section 101(a)(26) of the Act; 34 CFR 361.48(b)(4))

Attachment 5.1(c) describes the manner in which on-the-job and other related personal assistance services are provided to assist individuals while they are receiving vocational rehabilitation services.

5.2 **Written policies governing the provision of services to individuals with disabilities.** (Sections 12(c), (e)(2)(A), and 101(a)(6) of the Act; 34 CFR 361.50)

(a) The State unit has written policies covering the nature and scope of each of the vocational rehabilitation services specified in 34 CFR 361.48(a) and section 5.1(a) of the State plan and covering the criteria under which each service is provided.

(b) The policies are consistent with the provisions in 34 CFR 361.50 and:

(1) ensure that the provision of services is based on the rehabilitation needs of each individual as identified in that individual's individualized written rehabilitation program; and

(2) do not establish any arbitrary limits on the nature and scope of services to be provided to the individual to achieve an employment outcome.

5.3 **Opportunity to make informed choices regarding the selection of services and providers.** (Sections 12(e)(1), (2)(C) and (F), and 101(a)(29) of the Act; 34 CFR 361.52)

Attachment 5.3 describes how applicants, including those receiving extended evaluation services, and eligible individuals exercise informed choices throughout the vocational rehabilitation process consistent with the provisions of 34 CFR 361.52 and the following requirements.

(a) The designated State unit, in consultation with its State Rehabilitation Advisory Council, if it has a Council, has written policies and procedures

pertaining to the exercise of informed choice by the individual with regard to the selection of a long-term vocational goal, intermediate rehabilitation objectives, vocational rehabilitation services, including assessment services, and service providers.

(b) State unit policies and procedures ensure that each individual receives, through appropriate modes of communication, information on the:

(1) availability and scope of informed choice;

(2) manner in which informed choice can be exercised; and

(3) availability of support services for individuals with cognitive or other disabilities who require assistance in exercising informed choice.

(c) In developing an individual's individualized written rehabilitation program, the State unit provides the individual, or assists the individual in acquiring, information necessary to make an informed choice about the specific services, including the providers of those services, that are needed to achieve the individual's vocational goal.

This information includes, at a minimum, information relating to the:

(1) cost, accessibility, and duration of potential services;

(2) level of consumer satisfaction with those services to the extent that such information is available;

(3) qualifications of potential service providers;

(4) types of services offered by those providers; and

(5) degree to which services are provided in integrated settings.

EFFECTIVE DATE: October 1, 1997

5.4 Services to special groups of individuals with disabilities. (Sections 7, 101(a)(13), (20) and 130(b)(3) of the Act; 34 CFR 361.30)

(a) Civil employees of the United States Government.

Vocational rehabilitation services are available to civil employees of the United States Government who are disabled in the line of duty, under the same terms and conditions applied to other individuals with disabilities.

(b) Public safety officers.

Special consideration (as defined in 34 CFR 361.30(b)(2)) is provided to those individuals with disabilities whose disability arose from an impairment sustained in the line of duty while performing as a public safety officer (as defined in 34 CFR 361.30(b)(4)) and the immediate cause of that impairment was a criminal act (as defined in 34 CFR 361.30(b)(3)), apparent criminal act, or a hazardous condition resulting directly from the officer's performance of duties in direct connection with the enforcement, execution, and administration of law or fire prevention, firefighting, or related public safety activities.

(c) American Indians.

(1) Vocational rehabilitation services are provided to American Indians with disabilities residing in the State to the same extent that these services are provided to other significant groups of individuals with disabilities residing in the State.

(2) The designated State unit also provides vocational rehabilitation services, including, as appropriate, services traditionally used by Indian tribes, to American Indians with disabilities who reside on reservations and are eligible for services by a special tribal program under 34 CFR Part 371.

EFFECTIVE DATE: October 1, 1997

5.5 **Scope of vocational rehabilitation services to groups of individuals with disabilities.** (Sections 101(a)(15)(B), (17), (28) and 103(b) of the Act; 34 CFR 361.33 and .49)

(a) The State plan provides for the following optional vocational rehabilitation services for the benefit of groups of individuals with disabilities.

(1) _____ The establishment, development, or improvement of a public or other nonprofit community rehabilitation program that is used to provide services that promote integration and competitive employment, including under special circumstances, the construction of a facility for a public or nonprofit community rehabilitation program.

(2) _____ Telecommunications systems that have the potential for substantially improving vocational rehabilitation service delivery methods and developing appropriate programming to meet the particular needs of individuals with disabilities, including telephone, television, video description services, satellite, tactile-vibratory devices, and similar systems.

(3) _____ Special services to provide recorded material for individuals who are blind, captioned television, video description services, films or video cassettes for individuals who are deaf, tactile materials for individuals who are deaf-blind, and other special services that provide information through tactile, vibratory, auditory, and visual media.

(4) _____ Technical assistance and support services, such as job site modification and other reasonable accommodations, to businesses that are not subject to Title I of the Americans with Disabilities Act of 1990 and that are seeking to employ individuals with disabilities.

(5) _____ Small business enterprises operated by individuals with the most severe disabilities under the supervision of the State unit, including the provision of management services and supervision, initial stocks and supplies, and initial operating expenses in accordance with the requirements in 34 CFR 361.49(a)(5).

EFFECTIVE DATE: October 1, 1997

(A) If the State unit provides small business enterprise services, only individuals with the most severe disabilities are selected to participate in this supervised program.

(B) If the State unit sets aside funds from the proceeds of the operation of the small business enterprises, it has a description of the methods used in setting aside funds and the purposes for which funds are set aside.

(C) Under its small business enterprises, the State unit provides:

(i) ____ only the Randolph-Sheppard Vending Facility Program;

(ii) ____ only a program other than the Randolph-Sheppard Vending Facility Program;

(iii) ____ both the Randolph-Sheppard Vending Facility Program and another program.

(6) _____ Other services that promise to contribute substantially to the rehabilitation of a group of individuals but that are not related directly to the individualized written rehabilitation program of any one individual.

(b) If the State plan provides for the establishment, development, or improvement of a public or nonprofit community rehabilitation program in paragraph (a)(1) of this section, Attachment 5.5(b) describes the need to establish, develop, or improve, as appropriate, the community rehabilitation program to provide vocational rehabilitation services to applicants or eligible individuals, based on the findings from the assessment of the capacity and effectiveness of community rehabilitation programs, including programs under the Javits-Wagner-O'Day Act, resulting from the use of those programs and on the plans of the agency to improve community rehabilitation programs.

(c) If the State plan provides for any of these services, the designated State unit has:

(1) written policies covering the nature and scope of each of the vocational rehabilitation services it provides and the criteria under which each service is provided; and

(2) information to ensure the proper and efficient administration of those services in the form and detail and at the time required by the Secretary, including:

(A) the types of services provided;

(B) the costs of those services; and

(C) to the extent feasible, estimates of the numbers of individuals benefitting from those services.

5.6 **Written standards for facilities and providers of services.** (Sections 12(e)(2)(B), (D), and (E) and 101(a)(6)(B) of the Act; 34 CFR 361.51)

(a) The designated State unit has, makes available to the public, and implements written minimum standards for the various types of facilities and providers of services the State unit uses in providing vocational rehabilitation services.

(b) These standards are consistent with the requirements of 34 CFR 361.51 pertaining to the accessibility of facilities, personnel standards, and the prevention of fraud, waste, and abuse.

SECTION 6: ADMINISTRATION OF THE PROVISION OF VOCATIONAL REHABILITATION SERVICES

6.1 Record of services. (Sections 101(a)(6) and (9) of the Act; 34 CFR 361.47)

63 The designated State unit maintains for each applicant or eligible individual a record of services that satisfies, to the extent appropriate, the documentation requirements in 34 CFR 361.47. 64

6.2 **Utilization of community resources.** (Section 101(a)(12)(A) of the Act; 34 CFR 361.31)

In providing vocational rehabilitation services, the designated State unit uses public or other vocational or technical training programs or other appropriate community resources to the maximum extent feasible.

6.3 **Utilization of profitmaking organizations.** (Section 101(a)(21) of the Act; 34 CFR 361.32)

The designated State unit has the authority to enter into contracts with profitmaking organizations for the purpose of providing on-the-job training and related programs for individuals with disabilities under the Projects With Industry program, 34 CFR Part 379, if it has been determined that such organizations are better qualified to provide needed services than nonprofit agencies, organizations, or programs in the State.

6.4 **Utilization of community rehabilitation programs.** (Sections 101(a)(5)(A), 101(a)(12)(B), 101(a)(15)(B), 101(a)(27), 101(a)(28) and 103(b)(2) of the Act; 34 CFR 361.33)

Attachment 6.4 provides a description meeting the requirements of 34 CFR 361.33(a) as to how the designated State unit uses community rehabilitation programs to the maximum extent feasible to provide vocational rehabilitation services in the most integrated settings possible, consistent with the informed choices of the individuals.

6.5 **Referrals and applications.** (Sections 101(a)(6)(A) and 102(a)(5)(A) of the Act; 34 CFR 361.41)

(a) The designated State unit has standards for the prompt and equitable handling of referrals of individuals for vocational rehabilitation services. These standards include timelines for making good faith efforts to inform individuals of application requirements and to gather information necessary to initiate an assessment to determine eligibility and priority of services.

EFFECTIVE DATE: October 1, 1997

(b) Once an individual has submitted an application for vocational rehabilitation services, an eligibility determination is made within 60 days, unless:

(1) exceptional and unforeseen circumstances beyond the control of the agency preclude a determination within 60 days and the agency and the individual agree to a specific extension of time; or

(2) an extended evaluation is necessary.

6.6 **Information and referral programs.** (Section 101(a)(22) of the Act; 34 CFR 361.37)

(a) The designated State unit:

(1) has information and referral programs adequate to ensure that individuals with disabilities within the State are given accurate information about State vocational rehabilitation services, independent living services, vocational rehabilitation services available from other agencies, organizations, and community rehabilitation programs, and, to the extent possible, other Federal and State services and programs that assist individuals with disabilities, including client assistance and other protection and advocacy programs;

(2) refers individuals with disabilities to other appropriate Federal and State programs that might be of benefit to them;

(3) uses existing information and referral systems in the State to the greatest extent possible; and

(4) uses appropriate modes of communication in its information and referral programs.

(b) The designated State unit is operating under an order of selection for services and elects to establish an expanded information and referral program that includes counseling, guidance, and referral for job placements for those eligible individuals who are not in the priority category or categories to

receive vocational rehabilitation services under the State's order of selection.

Yes ____ No X

IF YES:

(1) funds needed to provide services under an individualized written rehabilitation program for eligible individuals in the open priority category or categories of the order, or other eligible individuals who have begun to receive services under an individualized written rehabilitation program prior to the effective date of the order are not used to support the expanded information and referral program; and

(2) Attachment 6.6(b)(2) describes:

(A) how the expanded information and referral program will be established and function;

(B) the level of commitment of State unit staff and resources to administer the program; and

(C) if the designated State unit chooses to track individuals who obtain employment through the expanded information and referral program, the number of individuals served and the number of individuals who achieve employment outcomes through the program.

6.7 **Ability to serve all eligible individuals; order of selection for services.** (Sections 12(d) and 101(a)(5)(A) of the Act; 34 CFR 361.36)

(a) The designated State unit is able to provide the full range of services listed in 34 CFR 361.48(a) and paragraph 5.1(a) of the State plan, as appropriate, to all eligible individuals.

Yes X No ____

EFFECTIVE DATE: October 1, 1997

(b) IF YES, Attachment 6.7(b) contains an explanation that satisfies the requirements of 34 CFR 361.36(a)(2) or (3) and describes how, on the basis of the designated State unit's projected fiscal and personnel resources and its assessment of the rehabilitation needs of individuals with severe disabilities within the State, it will:

(1) continue to provide services to all individuals currently receiving services;

(2) provide assessment services to all individuals expected to apply for services in the next fiscal year;

(3) provide services to all individuals who are expected to be determined eligible in the next fiscal year; and

(4) meet all program requirements.

(c) IF NO:

(1) Individuals with the most severe disabilities are selected for services before other individuals with disabilities.

(2) Attachment 6.7(c)(2) contains:

(A) the order to be followed in selecting eligible individuals to be provided services;

(B) a justification of that order of selection; and

(C) a description of the:

(i) outcome and service goals to be achieved for individuals with disabilities in each category within the order;

(ii) time within which these goals may be achieved; and

(iii) service costs.

6.8 **Assessment for determining eligibility and priority for services.** (Sections 7(22)(A)(ii), (C)(iii), 101(a)(9)(A), (14), (31), and 102 of the Act; 34 CFR 361.42)

(a) To determine whether an individual is eligible for vocational rehabilitation services and the individual's priority under an order of selection for services, if the State is operating under an order of selection, the designated State unit conducts an assessment in the most integrated setting possible consistent with the individual's needs and informed choice.

(b) The State unit's determination of an applicant's eligibility for vocational rehabilitation services is based only on the following requirements.

(1) A determination that the applicant has a physical or mental impairment.

(2) A determination that the applicant's physical or mental impairment constitutes or results in a substantial impediment to employment for the applicant.

(3) A presumption, in accordance with 34 CFR 361.42(a)(2) and paragraph (c) of this section of the State plan, that the applicant can benefit in terms of an employment outcome from the provision of vocational rehabilitation services.

(4) A determination that the applicant requires vocational rehabilitation services to prepare for, enter into, engage in, or retain gainful employment consistent with the applicant's strengths, resources, priorities, concerns, abilities, capabilities, and informed choice.

(c) The designated State unit presumes that an applicant who meets the eligibility requirements in paragraphs (b)(1) and (b)(2) of this section can benefit in terms of an employment outcome unless it demonstrates, based on clear and convincing evidence, that the applicant is incapable of benefitting in terms of an employment outcome from vocational rehabilitation services.

EFFECTIVE DATE: October 1, 1997

(d) If an applicant has appropriate evidence, such as an award letter, that establishes the applicant's eligibility for Social Security benefits under Title II or Title XVI of the Social Security Act, the designated State unit presumes that the applicant:

(1) meets the eligibility requirements in paragraphs (b)(1) and (2) of this section; and

(2) has a severe physical or mental impairment that seriously limits one or more functional capacities in terms of an employment outcome.

(e) In the application of the eligibility criteria, the following requirements must be met.

(1) No duration of residence requirement is imposed that excludes from services any applicant who is present in the State.

(2) No applicant or group of applicants is excluded or found ineligible solely on the basis of the type of disability.

(3) The eligibility requirements are applied without regard to the age, gender, race, color, creed, or national origin of the applicant.

(4) The eligibility requirements are applied without regard to the particular service needs or anticipated cost of services required by an applicant or the income level of an applicant or applicant's family.

6.9 **Procedures for ineligibility determination.** (Sections 101(a)(9)(D), 102(a)(6), and (c) of the Act; 34 CFR 361.43)

If the State unit determines that an applicant is ineligible for vocational rehabilitation services or determines that an individual receiving services under an individualized written rehabilitation program is no longer eligible for services, the State unit:

(a) makes the determination only after providing an opportunity for full consultation with the individual or, as appropriate, with the individual's representative;

(b) informs the individual in writing, supplemented as necessary by other appropriate modes of communication consistent with the informed choice of the individual, of the ineligibility determination, including:

(1) the reasons for that determination;

(2) the requirements under this section; and

(3) the means by which the individual may express and seek remedy for any dissatisfaction, including the procedures for review of a determination by the rehabilitation counselor or coordinator in accordance with 34 CFR 361.57.

(c) provides the individual with a description of services available from a client assistance program established under 34 CFR Part 370 and information on how to contact that program; and

(d) reviews any ineligibility determination that is based on a finding that the individual is incapable of achieving an employment outcome within 12 months and annually thereafter if requested by the individual or, if appropriate, by the individual's representative, except when the:

(1) individual has refused the review;

(2) individual is no longer present in the State;

(3) individual's whereabouts are unknown; or

(4) individual's medical condition is rapidly progressive or terminal.

EFFECTIVE DATE: October 1, 1997

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6.10 **Closure without ineligibility determination.** (Sections 12(c) and 101(a)(6)(A) of the Act; 34 CFR 361.44)

The State unit does not close an applicant's record of services prior to making an eligibility determination unless the:

(a) applicant declines to participate in, or is unavailable to complete an assessment for determining eligibility and priority for services; and

(b) State unit has made a reasonable number of attempts to contact the applicant or, if appropriate, the applicant's representative to encourage the applicant's participation.

6.11 **Availability of comparable services and benefits.** (Section 101(a)(8) of the Act; 34 CFR 361.53)

(a) Prior to providing any vocational rehabilitation services to an eligible individual, or to members of the individual's family, except those services identified in paragraph (d) of this section, the State unit determines whether comparable services and benefits exist under any other program and whether those services and benefits are available to the individual.

(b) If comparable services or benefits exist under any other program and are available to the eligible individual at the time needed to achieve the rehabilitation objectives in the individual's individualized written rehabilitation program, the State unit uses those comparable services or benefits to meet, in whole or in part, the cost of vocational rehabilitation services.

(c) If comparable services or benefits exist under any other program, but are not available to the individual at the time needed to satisfy the rehabilitation objectives in the individual's individualized written rehabilitation program, the State unit provides vocational rehabilitation services until those comparable services and benefits become available.

(d) The following services are exempt from a determination of the availability of comparable services and benefits:

(1) assessment for determining eligibility and priority for services;

(2) assessment for determining vocational rehabilitation needs;

(3) vocational rehabilitation counseling, guidance, and referral services;

(4) vocational and other training services, such as personal and vocational adjustment training, books, including alternative format books accessible by computer and taped texts, tools and other training materials in accordance with section 5.1(a)(6) of the State plan;

(5) placement services;

(6) rehabilitation technology; and

(7) post-employment services consisting of the services listed under paragraphs (1) through (6) of this subsection.

(e) The requirements of paragraph (a) of this section also do not apply if:

(1) the determination of the availability of comparable services and benefits under any other program would delay the provision of vocational rehabilitation services to any individual who is determined to be at extreme medical risk, based on medical evidence provided by an appropriate qualified medical professional; or

(2) an immediate job placement would be lost due to a delay in the provision of comparable services and benefits.

6.12 Participation of individuals in cost of services based on financial need. (Section 12(c) of the Act; 34 CFR 361.54)

EFFECTIVE DATE: October 1, 1997

(a) No financial needs test is applied and no financial participation is required as a condition for furnishing the following vocational rehabilitation services:

(1) assessment for determining eligibility and priority for services, except those non-assessment services that are provided during an extended evaluation for an individual with a severe disability;

(2) assessment for determining vocational rehabilitation needs;

(3) vocational rehabilitation counseling, guidance, and referral services; and

(4) placement services.

(b) The State unit considers the financial need of eligible individuals or individuals who are receiving services during an extended evaluation to determine the extent of their participation in the costs of vocational rehabilitation services.

Yes X No____

(c) IF YES:

(1) The State unit has written policies on the determination of financial need that are consistent with the provisions of 34 CFR 361.54 and:

(A) are applied uniformly to all individuals in similar circumstances;

(B) ensure that the level of the individual's participation in the cost of vocational rehabilitation services is:

(i) reasonable;

(ii) based on the individual's financial need, including the consideration of any disability-related expenses paid by the individual; and

(iii) not so high as to effectively deny the individual a necessary service.

(2) Attachment 6.12(c)(2) specifies those services for which the designated State unit has a financial needs test.

6.13 Development of the individualized written rehabilitation program. (Sections 7(22)(B), 102(b)(1)(A) and (b)(2); 34 CFR 361.45)

(a) The designated State unit conducts an assessment to determine the vocational rehabilitation needs for each eligible individual, including the need for supported employment services, or, if the State is operating under an order of selection, for each eligible individual to whom the State is able to provide services, for the purpose of identifying the long-term vocational goal, intermediate rehabilitation objectives, and the nature and scope of services to be included in the individualized written rehabilitation program of the individual.

(b) The development of the individualized written rehabilitation program meets the following procedural requirements.

(1) The individualized written rehabilitation program is developed jointly, agreed to, and signed by the vocational rehabilitation counselor or coordinator and the individual or, as appropriate, the individual's representative within the framework of a counseling and guidance relationship.

(2) The State unit has established and implemented standards for the prompt development of individualized written rehabilitation programs for the individuals identified under paragraph (a) of this section, including timelines that take into consideration the needs of the individual.

(3) The State unit advises each individual or, as appropriate, the individual's representative of all State unit procedures and requirements affecting the

development and review of an individualized written rehabilitation program, including the availability of appropriate modes of communication.

(4) In developing an individualized written rehabilitation program for a student with a disability who is receiving special education services, the State unit considers the student's individualized education program.

(5) The State unit reviews the individualized written rehabilitation program with the individual or, as appropriate, the individual's representative as often as necessary, but at least once each year to assess the individual's progress in meeting the objectives identified in the program.

(6) The State unit incorporates into the individualized written rehabilitation program any revisions that are necessary to reflect changes in the individual's vocational goal, intermediate objectives, or vocational rehabilitation services, and obtains the agreement and signature of the individual or, as appropriate, of the individual's representative, to the revisions.

(7) The State unit promptly provides each individual or, as appropriate, the individual's representative, a copy of the individualized written rehabilitation program and its amendments in the native language, or appropriate mode of communication, of the individual or, as appropriate, of the individual's representative.

6.14 Content of the individualized written rehabilitation program. (Sections 101(a)(9), (A), (B), (C), 102(b)(1), 102(c), and 635(b)(6) of the Act; 34 CFR 361.46 and 363.11(g)(3))

(a) Each individualized written rehabilitation program includes, as appropriate, statements concerning:

(1) the specific long-term vocational goal which must be:

(A) based on the assessment for determining vocational rehabilitation needs, including the individual's career interests; and

(B) in an integrated setting to the extent appropriate and consistent with the individual's informed choice;

(2) the specific intermediate rehabilitation objectives related to the attainment of the long-term vocational goal based on the assessment for determining vocational rehabilitation needs and consistent with the informed choice of the individual;

(3) the specific rehabilitation services to be provided to achieve the established intermediate rehabilitation objectives;

(4) (A) the projected date for the initiation of each vocational rehabilitation service;

(B) the anticipated duration of each service; and

(C) the projected timeframe for achievement of the individual's long-term vocational goal;

(5) a procedure and schedule for periodic review and evaluation of progress toward achieving intermediate rehabilitation objectives based upon objective criteria;

(6) how, in the words of the individual or, as appropriate, in the words of the individual's representative, the individual was informed about and involved in choosing among alternative goals, objectives, services, providers, and methods used to procure or provide services;

(7) the terms and conditions for the provision of vocational rehabilitation services, including:

(A) responsibilities of the individual in implementing the individualized written rehabilitation program;

(B) extent of the individual's participation in the cost of services;

(C) extent to which goods and services will be provided in the most integrated settings possible, consistent with the informed choice of the individual;

(D) extent to which comparable services and benefits are available to the individual under any other program; and

(E) entity or entities that will provide the services and the process used to provide or procure the services;

(8) the rights of the individual under 34 CFR 361 and the means by which the individual may express and seek remedy for any dissatisfaction, including the opportunity for a review of rehabilitation counselor or coordinator determinations under 34 CFR 361.57;

(9) the availability of a client assistance program established under 34 CFR Part 370; and

(10) the basis on which the individual has been determined to have achieved an employment outcome consistent with the requirements of 34 CFR 361.56 and paragraph 6.15 of this section.

(b) The individualized written rehabilitation program for individuals with the most severe disabilities for whom a vocational goal in a supported employment setting has been determined to be appropriate also contains a description of the:

(1) supported employment services to be provided by the State unit; and

(2) extended services needed together with the identification of the source of such services or if the source of extended services is not known at the

time of the development of the individualized written rehabilitation program, an explanation of the basis for concluding that there is a reasonable expectation that such services will become available.

(c) The individualized written rehabilitation program for each individual contains statements concerning post-employment services with respect to:

(1) the expected need for such services;

(2) the reassessment of the need for post-employment services prior to the determination that the individual has achieved an employment outcome;

(3) terms and conditions for the provision of post-employment services, including the anticipated duration of the services, subsequent to the individual achieving an employment outcome; and

(4) if appropriate, how post-employment services will be provided or arranged through cooperative agreements with other service providers.

(d) The individualized written rehabilitation program for a student with a disability who is receiving special education services is coordinated with the individualized education program for that individual in terms of the goals, objectives, and services identified in the individualized education program.

(e) The decision that an individual is not capable of achieving an employment outcome and is no longer eligible to receive services under an individualized written rehabilitation program is made in accordance with the requirements in 34 CFR 361.43 and section 6.9 of the State plan.

6.15 Individuals determined to have achieved an employment outcome. (Sections 12(c), 101(a)(6), and 106(a)(2) of the Act; 34 CFR 361.56)

An individual is determined to have achieved an employment outcome only if all of the following requirements are met:

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(a) the provision of services under the individual's individualized written rehabilitation program has contributed to the achievement of the employment outcome;

(b) the employment outcome is consistent with the individual's strengths, resources, priorities, concerns, abilities, capabilities, interests, and informed choice;

(c) the employment outcome is in the most integrated setting possible, consistent with the individual's informed choice;

(d) the individual has maintained the employment outcome for a period of at least 90 days; and

(e) at the end of the appropriate period under subparagraph (d) of this section, the individual and the rehabilitation counselor or coordinator consider the employment outcome to be satisfactory and agree that the individual is performing well on the job.

6.16 **Review of extended employment.** (Section 101(a)(16) of the Act; 34 CFR 361.55)

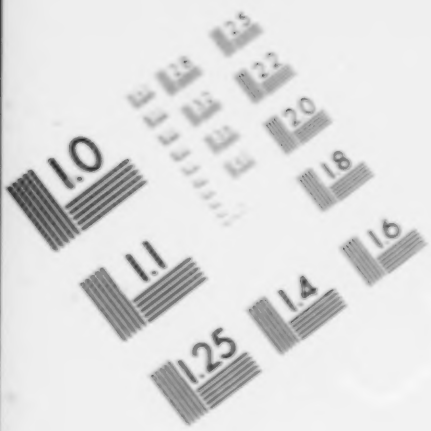
The designated State unit:

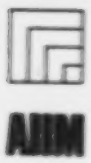
(a) reviews and re-evaluates at least annually the status of each individual who has achieved an employment outcome in an:

(1) extended employment setting in a community rehabilitation program; or

(2) other employment setting in which the individual is compensated in accordance with section 14(c) of the Fair Labor Standards Act;

(b) makes maximum effort, including the identification of vocational rehabilitation services, reasonable accommodations, and other support services, to enable the eligible individual to benefit from training in, or to be placed in employment in, an integrated setting; and





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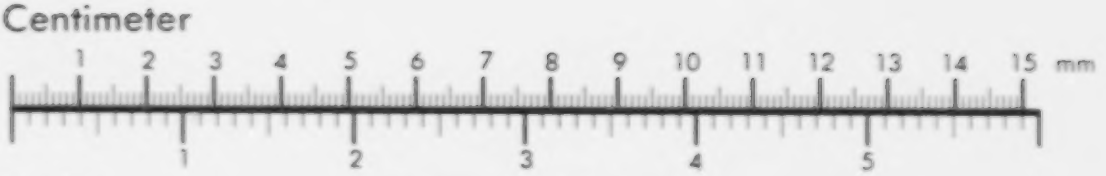

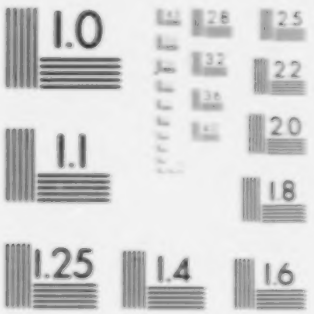

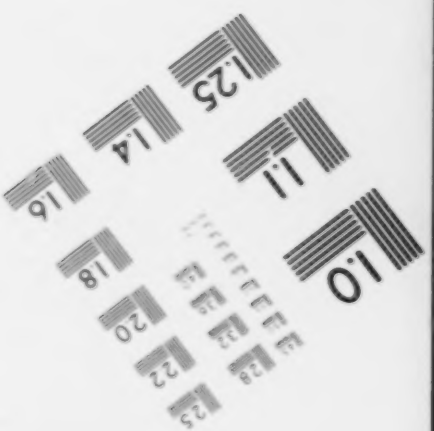

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(c) provides services designed to promote movement from extended employment to integrated employment, including supported employment, independent living, and community participation.

STATE PLAN SUPPLEMENT FOR THE STATE SUPPORTED EMPLOYMENT SERVICES PROGRAM

SECTION 7: PROGRAM ADMINISTRATION

7.1 **Designated state unit.** (Section 635(b)(1) of the Act; 34 CFR 363.11(a))

The designated State unit for vocational rehabilitation services identified in paragraph 1.3 of this plan is the State agency designated to administer the State Supported Employment Services Program authorized under title VI, part C of the Act.

7.2 **Statewide assessment of supported employment services needs.** (Section 635(b)(2) of the Act; 34 CFR 363.11(b))

Attachment 7.2 summarizes the results of the comprehensive, statewide needs assessment conducted under section 101(a)(5) of the Act and paragraph 4.12(b)(1) of the State plan with respect to the rehabilitation and career needs of individuals with severe disabilities and the need for supported employment services, including the needs related to the coordination and use of the information within the State relating to section 618(b)(1)(C) of the Individuals with Disabilities Education Act.

7.3 **Description of the quality, scope, and extent of supported employment services.** (Section 635(b)(3) of the Act; 34 CFR 363.11(c) and .50(b)(2))

Attachment 7.3 describes the quality, scope, and extent of supported employment services to be provided to individuals with the most severe disabilities, including the timing of the transition to extended services.

EFFECTIVE DATE: October 1, 1997

7.4 **Goals and plans for distribution of title VI, part C funds.** (Section 635(b)(3) of the Act; 34 CFR 363.11(d) and .20)

Attachment 7.4 specifies the State's goals and plans with respect to the distribution of funds received under section 632 of the Act.

7.5 **Evidence of collaboration with respect to supported employment services and extended services.** (Sections 635(b)(4) and (5) of the Act; 34 CFR 363.11(e))

Attachment 7.5 demonstrates evidence of the efforts of the designated State unit to identify and make arrangements, including entering into cooperative agreements, with:

(a) other State agencies and other appropriate entities to assist in the provision of supported employment services; and

(b) other public or nonprofit agencies or organizations within the State, employers, natural supports, and other entities with respect to the provision of extended services.

7.6 **Minority outreach.** (34 CFR 363.11(f))

Attachment 7.6 describes the designated State unit's outreach procedures for identifying and serving individuals with the most severe disabilities who are minorities.

7.7 **Reports.** (Sections 635(b)(8) and 636 of the Act; 34 CFR 363.11(h) and .52)

The designated State unit submits reports in such form and in accordance with such procedures as the Secretary may require and collects the information required by section 13 of the Act separately for individuals receiving supported employment services under part C of title VI and individuals receiving supported employment services under title I of the Act.

SECTION 8: FINANCIAL ADMINISTRATION

8.1 **Five percent limitation on administrative costs.** (Section 635(b)(7) of the Act; 34 CFR 363.11(g)(8))

The designated State unit expends no more than five percent of the State's allotment under section 632 of the Act for administrative costs in carrying out the State Supported Employment Services Program.

8.2 **Use of funds in providing services.** (Sections 633 and 635(b)(6)(A) and (D) of the Act; 34 CFR 363.6(c)(2)(iv), .11(g)(1), and (4))

(a) Funds made available under title VI, part C of the Act are only used by the designated State unit to provide supported employment services to individuals with the most severe disabilities who are eligible to receive such services.

(b) Funds provided under title VI, part C are only used to supplement, and not supplant, the funds provided under title I of the Act, in providing supported employment services specified in an individual's individualized written rehabilitation program.

(c) Funds provided under part C of title VI, title I, or subsections (b) or (c) of section 311 of the Act are not used to provide extended services to individuals who are eligible under part C of title VI or title I of the Act.

SECTION 9: PROVISION OF SUPPORTED EMPLOYMENT SERVICES

9.1 **Scope of supported employment services.** (Sections 635(b)(6)(F) and (G) of the Act; 34 CFR 361.5(b)(46); 363.11(g)(6) and (7))

(a) Supported employment services are those services as defined in 34 CFR 361.5(b)(46).

(b) To the extent job skills training is provided, the training is provided on-site.

EFFECTIVE DATE: October 1, 1997

(c) Supported employment services include placement in an integrated setting for the maximum number of hours possible based on the unique strengths, resources, interests, concerns, abilities, and capabilities of individuals with the most severe disabilities.

9.2 **Comprehensive assessments of individuals with severe disabilities.** (Section 634(3) and 635(b)(6)(B) of the Act; 34 CFR 363.11(g)(2))

The comprehensive assessment of individuals with severe disabilities conducted under 34 CFR 361.45(c) and paragraph 6.13(a) of this State plan and funded under title I of the Act includes consideration of supported employment as an appropriate rehabilitation objective.

9.3 **Individualized written rehabilitation program.** (Sections 635(b)(6)(C) and (E) of the Act; 34 CFR 363.11(g)(3) and (5))

(a) An individualized written rehabilitation program that meets the requirements of section 102 of the Act, 34 CFR 361.45 and .46, and paragraphs 6.13 and .14 of this State plan is developed and updated using funds under Title I.

(b) The individualized written rehabilitation program:

(1) specifies the supported employment services to be provided;

(2) describes the expected extended services needed, including natural supports;

(3) identifies State, Federal, or private programs or other resources that will provide the extended services, including:

(A) a description of the basis for determining that extended services are available; or

(B) to the extent that it is not possible to identify the source of extended services at the time the individualized written

rehabilitation program is developed, a statement describing the basis for concluding that there is a reasonable expectation that sources will become available; and

(4) provides for periodic monitoring to ensure that the individual is making satisfactory progress toward meeting the weekly work requirement established in the individualized written rehabilitation program by the time of transition to extended services.

(c) Services provided under an individualized written rehabilitation program are coordinated with services provided under other individualized plans established under other Federal or State programs.

EFFECTIVE DATE: October 1, 1997

ATTACHMENTS REQUIRED OF ALL AGENCIES

Attachment 2.3:	Summary of Public Comments on the State Plan and Its Supplement and State Unit's Response to the Comments
Attachment 4.4:	Views on State Policies and Administration of the State Plan
Attachment 4.9(b):	Plans, Policies and Procedures Regarding the Transition to Vocational Rehabilitation Services of Students with Disabilities
Attachment 4.11(b):	Procedures and Activities Regarding the Establishment and Maintenance of a Comprehensive System of Personnel Development
Attachment 4.12(d):	Policy, State Plan and Strategic Plan Changes; Methods to Expand and Improve Services to Individuals with the Most Severe Disabilities; Analysis of the Characteristics of Individuals Determined to be Ineligible and the Reasons for Those Determinations
Attachment 4.15:	Due Process Procedures
Attachment 5.1(b):	Rehabilitation Technology Services
Attachment 5.1(c):	Personal Assistance Services
Attachment 5.3:	Policies and Procedures Relating to Choice
Attachment 6.4:	Utilization of Community Rehabilitation Programs
Attachment 7.2:	Summary of the Comprehensive, Statewide Needs Assessment of the Rehabilitation and Career Needs of Individuals with Severe Disabilities and the Need for Supported Employment Services
Attachment 7.3:	Quality, Scope, and Extent of Supported Employment Services

Attachment 7.4: Goals and Plans for Distribution of Title VI, Part C Funds

Attachment 7.5: Evidence of Collaboration Regarding Supported Employment Services and Extended Services

Attachment 7.6: Outreach Procedures for Identifying and Serving Individuals with the Most Severe Disabilities Who are Minorities

ATTACHMENTS CONTINGENT ON OPTIONS SELECTED

The following attachments identified by an "X" are also submitted as part of the State plan.

____ **Attachment 4.5:** Local Administration

____ **Attachment 4.6(b):** Request for Waiver of Statewideness

____ **Attachment 4.7(a):** Shared Funding and Administration of Joint Program

____ **Attachment 5.5(b):** Need to Establish, Develop, or Improve Community Rehabilitation Programs

____ **Attachment 6.6(b)(2):** Expanded Information and Referral Program for Agencies on an Order of Selection

_X_ **Attachment 6.7(b):** Explanation to Support the Decision Not to Establish an Order of Selection

____ **Attachment 6.7(c)(2):** Order of Selection; Justification; and Outcome and Service Goals, Timeframes and Service Costs

_X_ **Attachment 6.12(c)(2):** Services Subject to Financial Needs Test

EFFECTIVE DATE: October 1, 1997

PART II - REQUIRED ATTACHMENTS

Attachment 2.3:	Summary of Public Comments on the State Plan and Its Supplement and State Unit's Response to the Community
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Attachment 4.12(d):	Policy, State Plan and Strategic Plan Changes; Methods to Expand and Improve Services to Individuals with the Most Severe Disabilities; Analysis of the Characteristics of Individuals Determined to be Ineligible and the Reasons for Those Determinations
Attachment 4.15:	Due Process Procedures
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Attachment 5.1(c):	Personal Assistance Services
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Attachment 6.4:	Utilization of Community Rehabilitation Programs
Attachment 6.7(b):	Explanation to Support the Decision Not to Establish an Order of Selection
Attachment 6.12(c)(2):	Services Subject to Financial Need
Attachment 7.2:	Summary of the Comprehensive, Statewide Needs Assessment of the Rehabilitation and Career Needs of Individuals with Severe Disabilities and the Need for Supported Employment Services
Attachment 7.3:	Quality, Scope, and Extent of Supported Employment Services
Attachment 7.4:	Goals and Plans for Distribution of Title VI, Part C Funds

Attachment 7.5: Evidence of Collaboration Regarding Supported Employment Services and Extended Services

Attachment 7.6: Outreach Procedures for Identifying and Serving Individuals with the Most Severe Disabilities Who are Minorities

Attachment 2.3: Summary of Public Comments on the State Plan and Its Supplement and State Unit's Response to the Community

SUMMARY

The majority of comments received through the State Plan public hearing process and other forums held with stakeholders throughout the year focused on VESID's proposed policy changes in the areas of economic need and college training sponsorship.

Persons who commented on economic need highlighted the detrimental impact that sharing the cost of vocational rehabilitation services would have on many consumers, particularly those with severe disabilities and those transitioning from school to work. Commenters were concerned that many individuals would choose not to participate in vocational rehabilitation services and remain unemployed if they had to contribute. Other respondents were opposed to applying economic need to supported employment because they consider it a placement service. Comments also recommended continuing the exemption for interpreters because they believe that interpreters are a basic communication accommodation required under §504 and the Americans with Disabilities Act. Many other commenters were concerned about the way the changes would be implemented, particularly who would collect the individual's contribution. Based on comments received, the October 1, 1997 implementation date for economic need changes has been postponed. VESID will consider all comments received to date, as well as any others provided in continuing discussions with stakeholders, when finalizing any economic need policy decisions in the future.

Comments about the proposed changes in college policy disagreed with VESID's proposal to limit sponsorship for developmental or remedial course work. They were especially concerned because many students with disabilities leave secondary school inadequately prepared to succeed in college. Commenters also felt that allowing only one year for an individual to establish a specific vocational goal was insufficient, especially since college students usually have two years to declare a major. Other comments suggested that placement in employment should not be used as a measure of college effectiveness for funding purposes and that college placement offices may not have the expertise that vocational rehabilitation counselors have in placing persons with disabilities. In July, VESID will present to the Board of Regents final policy recommendations for the Fall 1998 academic year based on these and other comments received from the college community, including students.

Other areas of frequent comment were increasing the duration of successful placements from 60 to 90 days, avoiding an order of selection, supporting consumer choice and expanding access to technology.

PUBLIC COMMENTS ON THE VOCATIONAL REHABILITATION/ SUPPORTED EMPLOYMENT STATE PLAN FOR FEDERAL FISCAL YEARS 1998, 1999 and 2000	
COMMENT	**VESID'S RESPONSE**
Robert C. Wood **Clinton Community College** [Attachment 4.12(d)] I wish to voice my concern with VESID's proposal to not provide support for college students who are required or would benefit from taking developmental course work as a pre-requisite to college level classes. ...many VESID clients have benefited greatly from these remedial classes and have gone on to be successful college students.	Based on comments received through the State Plan hearings and other forums, VESID will revise its recommendations for consideration by the Board of Regents for implementation in the Fall 1998 academic year.
John Hider **Self-Advocacy Association of NYS, Inc. (Rochester)** We have a lot of individuals who have developmental disabilities that go through the OMRDD Sheltered Worksite program and then they hook up with VESID into supported work. If they are designated as appropriate for supported work, but do not do well in supported work or lose their job after a few months, then they are no longer able to go back into the sheltered worksite.	Most community rehabilitation programs providing both long term sheltered and supported employment are permitting consumers to return to long term sheltered if they need to do so. However, some agencies have long waiting lists for long term employment and cannot guarantee a return slot. This is an individual agency policy decision and is related to the availability of long term employment slots. OMRDD controls the number of such long term slots and has been cooperating with VESID to reduce long term sheltered employment in response to consumer and advocacy group requests that VESID and OMRDD limit such employment.
Darren Jackson **Self-Advocacy Association of NYS, Inc. (Rochester)** I was in supported work for 4 or 5 years in cleaning... and I wanted a better job and...I mean, the job you get is fine at the time, but at some time people wish to better themselves...	VESID can sometimes provide services to individuals whose disabilities prevent them from getting better jobs on their own. Additionally, community rehabilitation programs receive funding under extended services contracts which can be used for this purpose.

PUBLIC COMMENTS ON THE VOCATIONAL REHABILITATION/ SUPPORTED EMPLOYMENT STATE PLAN FOR FEDERAL FISCAL YEARS 1998, 1999 and 2000	
COMMENT	**VESID'S RESPONSE**
Chester Finn **President, Self-Advocacy Association of NYS, Inc.** **(Rochester)** ...one of the big things would be starting when you are younger, starting in school, preparing people so that they don't get out of school or decide to go to college and get out of college and find out that the skills that they learned, ... they couldn't use later in life to better themselves...	Transition planning for in-school youth with disabilities begins at age 15. The inclusion of students with disabilities in initiatives such as school-to-work programs and setting higher achievement standards are intended to improve their preparedness for further education, employment and community living.
Peter Haumesser **Self-Advocacy Association of NYS, Inc.** **(Rochester)** ...go ahead and try to help people get into employment. I went through the VESID office in Buffalo at least five times, again and again and they keep saying they will help get a job. ...I always have a hard time finding a job ...I was looking for VESID to help me get a job to work... But it doesn't work out with VESID in Buffalo because they are never in contact with other agencies, because they are playing phone tag.	The District Manager should have been contacted regarding this problem. The Client Assistance Program (CAP) would be another resource. The issue will be referred to the District Office.

PUBLIC COMMENTS ON THE VOCATIONAL REHABILITATION/ SUPPORTED EMPLOYMENT STATE PLAN FOR FEDERAL FISCAL YEARS 1998, 1999 and 2000	
COMMENT	**VESID'S RESPONSE**
Steve Holms **Administrative Coordinator** **Self-Advocacy Association of NYS, Inc.** **(Rochester)**	
Many, many people who want to get work and be competitively employed or do something meaningful during their day, I don't feel they are getting the opportunities that they need and when they get the opportunities, don't get enough of the support they need to keep them. As many, many people who get into supported work and into competitive jobs but fail for one reason or another and not have the kind of support they need to stay on that site.	Supported employment programs sponsored by VESID offer a wide array of supports. Program monitoring indicates that most programs make every effort to place and replace consumers in appropriate jobs. Yet, supported employment, like every other service, is not for everyone. It cannot always meet everyone's needs.
It seems to us at this point that there needs to be some vision for creative ways to help people who have skills utilize those skills and be contributing members of society in the workplace. One of the things we have suggested... is to have worker-owned kinds of small businesses that people could do with some support.	VESID currently provides for the training and start-up costs for individuals to operate their own businesses if that is the goal the consumer and VESID agree is appropriate.
Sue Ruff Binghamton Independent Living Center	
Over the past year in addition to my daughter, about 9 other families have asked me for some form of assistance regarding transition services. In every one of these situations people from school districts or State agencies withheld information about options. What does this indicate about informed choices? Local job placement while still in school was a complicated issue or very difficult for students who do not have cars and do not live on bus lines.	The need for information by parents, schools and agency personnel is ongoing. Not only do individuals change location and responsibility, government services are changing rapidly on a continuous basis. VESID supports independent living centers, early childhood direction centers, special education training and resource centers and other networks active role in transition planning. Incentives to expand their roles in outreaching to families are being developed.

PUBLIC COMMENTS ON THE VOCATIONAL REHABILITATION/ SUPPORTED EMPLOYMENT STATE PLAN FOR FEDERAL FISCAL YEARS 1998, 1999 and 2000	
COMMENT	**VESID'S RESPONSE**
I strongly suggest that you inform parents of the VESID services they may have to pay for after October 1, 1997. Perhaps that will be a wake up call to prompt them to get going on vocational reality while their children still are entitled to free educational services that can move their children toward employment.	Based on comments received through the State Plan hearings and other forums, the October 1, 1997 implementation date for economic need changes has been postponed. All comments will be carefully considered when final decisions are made.
One mother whose daughter has been on a supported employment list for years in a northern county, tells me her daughter lives in a IF with 7 other people at a cost of $72,000 a year... This young woman waits for a work placement by attending a day treatment program at a cost of many additional thousands of dollars. We have said for years, let the money truly follow the person.	VESID strongly supports close interagency planning on matters of budget and policy.
So many resources have for so many years gone into segregated services and continue to end up there. Your Plan talks the talk. I'm not sure that it yet walks the walk.	VESID has moved more than $3 million from segregated into integrated employment-based services in the past two years. Closures into segregated settings have substantially decreased during the same period. Some consumers choose to be in nonintegrated settings and have the right to do so after being informed of integrated alternatives.
Patricia Dowse **New York State Rehabilitation Association (NYSRA)**	
NYSRA supports activities that encourage and support school to work/postsecondary outcomes.	VESID appreciates the support of NYSRA and its recognition of the importance of school-to-work/postsecondary outcomes.
NYSRA's Vocational Division would like to co-sponsor "Town Meeting" style presentations in a downstate and upstate location during the month of April or May. This meeting would allow VESID to present the information to all consumers, family members, advocates, C.P., school and other vendor professionals together.	VESID will work with NYSRA and others to plan and conduct such forums to discuss the economic need changes before implementation.

PUBLIC COMMENTS ON THE VOCATIONAL REHABILITATION/ SUPPORTED EMPLOYMENT STATE PLAN FOR FEDERAL FISCAL YEARS 1998, 1999 and 2000	
COMMENT	**VESID'S RESPONSE**
NYSRA's Vocational Division is concerned that there is a need for further clarification of the proposed equity of this plan. ...the Economic Need Policy does not provide a level playing field for all concerned: There is a need for clarification on the contribution equity/sliding scale configuration. Some individuals may have a strong basis for discriminatory class action suits.	Based on comments received through the State Plan hearings and other forums, the October 1, 1997 implementation date for economic need changes has been postponed. All comments will be carefully considered when final decisions are made.
[Economic Need] There is a cost of living differential between upstate and down-state, rural and city, recognized in cost centers for other state services.	
Quality services to meet consumers' needs must be based on actual costs, especially the cost of offering specialized services for people who are multiply disabled, visually impaired and deaf or hard of hearing.	Unfortunately, requests for additional funding to increase service rates have not been approved in the New York State Budget. Therefore, rate increases have not been possible.
Consumers do not receive quality support services ensuring their success when vendors do not have payment schedules based on the same methodology; some are by semester, some by daily attendance.	Payment mechanisms vary depending on the type of service. Regardless of the mechanism, VESID has been limited in its ability to increase rates by the amount of State and Federal funds appropriated as well as the increasing caseload sizes.
NYSRA's Vocational Division strongly recommends that this list of services should not be contingent on economic need (based on newly approved Federal regulations under the Rehabilitation Act): - support services - homemaker training - job coaching and other supported employment services - training service at community based facilities	Based on comments received through the State Plan hearings and other forums, the October 1, 1997 implementation date for economic need changes has been postponed. All comments will be carefully considered when final decisions are made.

PUBLIC COMMENTS ON THE VOCATIONAL REHABILITATION/ SUPPORTED EMPLOYMENT STATE PLAN FOR FEDERAL FISCAL YEARS 1998, 1999 and 2000	
COMMENT	**VESID'S RESPONSE**
Services such as interpreters/notetakers are basic communication accommodations to which a person with a disability has a fundamental right, both under the ADA and the NY State Human Rights/Civil Law. These accommodations should be excluded from the services covered in the economic needs plan. In no case, should consumers bear the cost of accommodation. ...,VESID policies should be formulated to ensure over time greater access, not reduced access, to services.	Based on comments received through the State Plan hearings and other forums, the October 1, 1997 implementation date for economic need changes has been postponed. All comments will be carefully considered when final decisions are made.
NYSRA agrees that there is a need for better coordination between the vocational rehabilitation system and the academic advisement process for consumers who attend post-secondary education.	VESID appreciates NYSRA's comment and support.
Developing partnerships with community rehabilitation providers for consultation with the admission office and other on-going support offices may offer the colleges and universities an option that would enhance the education experience for the students, while providing for the students a better opportunity at completing their studies in a time-line appropriate for them. VESID should encourage these partnerships.	VESID agrees and will encourage these partnerships.
Support services are not comparable in the college setting to those offered in the community rehabilitation setting to ensure follow-along and maintenance in the funded program. NYSRA agrees that this process needs to be reevaluated.	Support services should not necessarily be comparable between colleges and community rehabilitation programs, since the tasks, activities and level of integration are so different.

PUBLIC COMMENTS ON THE VOCATIONAL REHABILITATION/ SUPPORTED EMPLOYMENT STATE PLAN FOR FEDERAL FISCAL YEARS 1998, 1999 and 2000	
COMMENT	**VESID'S RESPONSE**
NYSRA's Vocational Division worked as technical advisors to VESID in the development of a RFP for a group of individuals with disabilities now known as "Hard to place." It is unfortunate that VESID has not highlighted this activity in this section [Methods to Expand & Improve Services to Individuals with the Most Severe Disabilities], as NYSRA feels it certainly is a strategy towards serving this portion of the population and will serve to identify innovative ways to reach successful outcomes for this underserved population.	VESID has added a discussion of the hard to place project to Attachment 4.12(d).
VESID states that they will not provide personal assistance services that are the responsibility of others as reasonable accommodations to enable individuals to fully participate in their programs, services or employment. Needing to coordinate services in a system that has been allowed not to meet its expectations under ADA, NYSRA believes VESID does have a responsibility to take an advocacy role to see that the consumers in this situation do actually receive the necessary services under some process.	Through the Educational Institution Linkages Unit, VESID does and will continue to take an advocacy role to see that consumers receive the necessary support services.
[Attachment 5.3] NYSRA supports the same view that VESID has presented that individuals with disabilities, their families and representatives are partners with their vocational rehabilitation counselor and program.	VESID appreciates NYSRA's comments in support of consumer choice.
[Attachment 6.4] The section highlights that the "development of cooperative agreements is based on a comprehensive analysis of service needs and the ability of the program to deliver successful consumer outcomes". If this is true, NYSRA requests that the analysis report be shared with the community rehabilitation providers.	Before a cooperative agreement is developed between VESID and an organization, discussions are held to determine specific service needs. These needs are then discussed, usually by a work group of representatives of both agencies, to determine action steps by both agencies to meet these needs. These analyses are reflected in the Memorandum of Understanding developed between the specific agencies which are available to all interested parties.

PUBLIC COMMENTS ON THE VOCATIONAL REHABILITATION/ SUPPORTED EMPLOYMENT STATE PLAN FOR FEDERAL FISCAL YEARS 1998, 1999 and 2000	
COMMENT	**VESID'S RESPONSE**
On the list of services contingent on Economic Need (Attachment 6.12(c)(2)), one will find intensive supported employment services. In Attachment 7.3, intensive supported employment services are detailed as: a) learning specific work duties and performance standards, b) learning formal and informal site-related expectations, c) acquiring site-appropriate work related behaviors when dealing with supervisors and co-workers; d) acquiring the sense of belonging, e) understanding and using the benefits of employment, and developing a community support system that accommodates and positively reinforces the employee's role as a worker. These services are all accomplished through vocational rehabilitation counseling and guidance. According to the Federal regulations, Section 361.54(b)(3) I-iv, vocational rehabilitation counseling, is not subject to economic needs tests. Clarification is required.	Based on comments received through the State Plan hearings and other forums, the October 1, 1997 implementation date for economic need changes has been postponed. All comments will be carefully considered when final decisions are made.
The last issue in need of clarification, is that of the new Federal regulation regarding the requirement for supported employment to be a job paying no less than minimum wage. Presently, New York has a State plan in effect that directs contracts with VESID vendors to allow supported employment placements to occur that have individuals working at a rate of pay equal to their productivity.	VESID is working with the Rehabilitation Services Administration (RSA), interagency partners and provider agencies to clarify, in New York State, how persons working in integrated settings, earning less than minimum wages based on their productivity, will be classified for Federal reporting and State funding purposes.
David Eichenauer **Access to Independence and Mobility (AIM)** It's good to see attention given to Transition. We feel that all independent living centers should be funded to provide transition services.	Independent living centers have statutory authority to provide basic independent living services to in-school youth. VESID funding incentives are being developed to assist interested centers to work with more youth.

PUBLIC COMMENTS ON THE VOCATIONAL REHABILITATION/ SUPPORTED EMPLOYMENT STATE PLAN FOR FEDERAL FISCAL YEARS 1998, 1999 and 2000	
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You note that "44 former special education students transitioned to day treatment or day training programs without being referred to VESID." We do not feel that either of these settings is appropriate for anyone.	While integrated employment remains the preferred placement, the Office of Mental Retardation and Developmental Disabilities is contributing to the transition planning process by facilitating placements into these programs and services, when students need and choose less integrated options.
The increase in Family Living thresholds is a good idea. We have mixed emotions about the increase in economic needs tests. We understand economic realities but would like to see everyone who needs help get it.	Based on comments received through the State Plan hearings and other forums, the October 1, 1997 implementation date for economic need changes has been postponed. All comments will be carefully considered when final decisions are made.
Good idea to fund only colleges and universities that provide appropriate and timely services that lead to high rates of graduation and employment rates even if costs are higher.	VESID appreciates the support of AIM on this issue.
Your mention of the Rehabilitation Act Reauthorization is interesting. There needs to be a clear definition of what institutions of higher education provide, as opposed to what VESID must provide.	VESID agrees and would appreciate any recommendations regarding this issue.
[College Choice] While we have mixed emotions about State funds going out of state, we support increased choice and therefore support the change in out of state sponsorship.	VESID appreciates AIM's comment and support. State regulations will be revised to incorporate this change.
We note that almost a third of all VESID consumers are closed as non-rehabilitated. 1) Of these over 60% refused services and we wonder why over 9,000 people did so. 2) We also question the almost 5,000 people in the "Handicap too severe" group. Federal law requires priority services to persons with the most severe disabilities.	1) Many individuals apply for VESID services without knowing the purpose or requirements of the program or decide they are not ready. 2) There is a very high standard of proof that must be satisfied before a case can be closed as "handicap too severe." There is no inconsistency between this fact and the VESID program serving persons with severe disabilities.

PUBLIC COMMENTS ON THE VOCATIONAL REHABILITATION/ SUPPORTED EMPLOYMENT STATE PLAN FOR FEDERAL FISCAL YEARS 1998, 1999 and 2000	
COMMENT	**VESID'S RESPONSE**
Concerning the Due Process Procedures, individuals should be allowed to have an advocate at the Initial Review Conference and at all stages from there on in-perhaps someone from an independent living center. We would hope that reviews and hearings could be arranged close enough to a consumer's home so that they would not have to stay overnight but if they have to, VESID should pay the costs.	Individuals may have an advocate/representative of their own choosing at all stages of the appeal process. Reviews and hearings are held at district offices and satellite offices throughout the State. VESID pays transportation costs within New York State for individuals to attend reviews and hearings.
Personal Assistance Services are something we are very concerned about. These services are vital to get and keep certain persons with disabilities in the community and at work. It is imperative that the present impasse over the rates for these services in the freeze on approving them be resolved immediately and that they continue to be funded at a reasonable rate.	VESID makes every effort to reimburse for its purchased services at a reasonable rate; however, financial limitations and the enormous demands upon resources makes it impossible to meet every need. In addition, the State's fiscal authorities have not permitted any across the board increases in rates.
We are pleased that VESID is not going to establish an Order of Selection-all persons who need services should receive them.	VESID agrees that an Order of Selection should not be implemented in New York State during the next Federal fiscal year.
We applaud the switch of $900,000 from sheltered to supported employment services. We feel that most if not all (except for a limited i.e. a maximum of a year) sheltered employment funding should be switched to supported employment.	VESID and OMRDD have been coordinating the shift from long term sheltered employment into integrated employment outcomes and this shift has been very successful over the 3-year effort to date. Yet, some consumers choose long term services and refuse integrated settings even after being informed of integrated options.

PUBLIC COMMENTS ON THE VOCATIONAL REHABILITATION/ SUPPORTED EMPLOYMENT STATE PLAN FOR FEDERAL FISCAL YEARS 1998, 1999 and 2000	
COMMENT	**VESID'S RESPONSE**
Todd G. Vaarwerk **Independent Living Center (Buffalo)** <u>Identification of Services for which there is an Economic Needs Test</u> - indicates a list of services that will be subject to the "Financial Needs Test," and the reason for the imposition of same. We at the Independent Living Center, supported such a test under limited conditions. The two items that most concern us at this time are: The lack of understanding how other benefits to assist persons with disabilities from becoming more independent, such as Plans to Attain Self-Support, Home and Community Based Waivers, or Individual Support Services Plans would effect the outcome of such a test. Consumers would not feel disposed to pursue a vocational goal if they knew that benefits that assist in, for example, housing costs would be counted against them. There appears to be an implication that Independent Living Services could be subject, under this plan to an Economic means test. Attachment 6.12(c)(2) indicates that Community Rehabilitation Programs would be subject under such a test. Under Attachment 6.4, Independent Living Centers are listed in the definition of such a program. The Independent Living Center stands against any financial test being applied to our services. INDEPENDENT LIVING Services are meant, by federal and state law, to increase the independence of persons with disabilities in their communities. While a vocational program may serve to facilitate that goal, that should not imply that INDEPENDENT LIVING services are only vocational in nature. As such, any person with a disability should have access to them regardless of income.	Based on comments received through the State Plan hearings and other forums, the October 1, 1997 implementation date for economic need changes has been postponed. All comments will be carefully considered when final decisions are made.

PUBLIC COMMENTS ON THE VOCATIONAL REHABILITATION/ SUPPORTED EMPLOYMENT STATE PLAN FOR FEDERAL FISCAL YEARS 1998, 1999 and 2000	
COMMENT	**VESID'S RESPONSE**
Review of College Sponsorship - Overall, VESID continues its forward-thinking approach to College services in this year's plan. However, we have some reservations regarding items in the plan, such as: With regards to the limitation of VESID services to a year, pending the setting of a vocational goal, we are concerned that some SUNY schools, admittance into a major, clearly an important piece of achieving education towards a major goal, is sometimes not granted until near the third year of college study. If this change were to be strictly adhered to, critical funding could be lost to students who need it. The Policy Change of not providing VESID sponsorship to developmental course work provides the ILC with a great level of concern. Until the special education system is able to raise the expectation of their students to college enrollment, and be adequately trained for the opportunity, such a ban on developmental course work represents a severe restriction to those students in special education who wish to go to college, or need a degree to pursue a chosen career. While the plan indicates that resources can be drawn from other areas, and a new plan for increasing skills is developed, more detail must be provided before we would support such a ban as is listed.	Based on comments received through the State Plan hearings and other forums, VESID will revise its recommendations for consideration by the Board of Regents for implementation in the Fall 1998 academic year.

PUBLIC COMMENTS ON THE VOCATIONAL REHABILITATION/ SUPPORTED EMPLOYMENT STATE PLAN FOR FEDERAL FISCAL YEARS 1998, 1999 and 2000	
COMMENT	**VESID'S RESPONSE**
Finally, the policy change on the involvement of VESID with college disability services personnel causes the ILC grave concern. The involvement of VESID with an individual student's needs should always remain a student decision. The office that provides disability services should be a resource for students to choose if they wish. Students should not be required to interact with them because of the coordination of VESID services. This policy should more clearly indicate what is intended by the change, and protect both the students right to confidentiality and the right to choose the environment in which services are provided.	VESID recognizes that the provision of services, including VESID services, is at the consumer's volition. This applies to VESID's involvement in coordinating college programs for individuals as well.
Community Rehabilitation Programs - This attachment, which defines Independent Living services as such a program, also indicates that in an attempt to determine "future needs," that programs such as ours should divert resources to specified goals leading the person with a disability to integrated employment. Such a statement leads us to believe that VESID is trying to remake Independent Living Services to support VESID goals. We certainly should not be held to VESID priorities.	The comment in Attachment 6.4 about redirecting resources towards services leading to integrated employment was not referring to independent living centers but to community rehabilitation programs which provide employment training that traditionally resulted in sheltered employment. VESID does not intend to refocus independent living resources away from achieving the goals of personal independence for individuals and community systems change based on identified community needs. The Attachment has been revised to clarify any misunderstanding of VESID's intent.

PUBLIC COMMENTS ON THE VOCATIONAL REHABILITATION/ SUPPORTED EMPLOYMENT STATE PLAN FOR FEDERAL FISCAL YEARS 1998, 1999 and 2000	
COMMENT	**VESID'S RESPONSE**
Due Process Procedures - The ILC continues to be greatly concerned that the final level of due process that a person with a disability has with regard to vocational rehabilitation services is the fair hearing process, while a higher level remains, where a decision of the deputy commissioner can override the decision of a fair hearing. While great care seems to be taken in the selection of the hearing officer for a fair and impartial decision, the ability of that decision to be accepted, particularly those cases decided against VESID, is undermined by the deputy commissioner's ability to review, at his discretion, cases that violate even an internal VESID policy. The ILC feels that the deputy commissioner's review should be eliminated, or restricted to violations of law only.	The review authority of the State Director is integral to the appeal process as described in the Rehabilitation Act. The use of this authority has resulted in the overruling of decisions that had favored VESID as well as decisions that had favored consumers. Federal regulations require that the hearing officer's decision shall be based on the provisions of the State Plan, the Rehabilitation Act, and Federal and State regulations and policies. These are the only grounds upon which the State Director can overturn a hearing decision.
Keith D. Muller **League for the Hard of Hearing (NYC)** In order to better communicate with clients with varying degrees of hearing loss and modes of communication, it is essential that counselors' offices be equipped with assistive technologies (AT) in addition to having sign language interpreters available. Generally speaking, it is our experience that counselors do not utilize AT in their offices. Additionally they may not be aware of the range of AT available, their benefits, and their impact on successful employment outcomes. VESID should become the model of access for the use of technology.	VESID has encouraged the use of this equipment and will again reinforce use of assistive technology devices in the District Offices.
Mainstreamed students with hearing loss are not being tracked by VESID and are not being provided adequate opportunities to benefit from the transition program. Remedies of this situation need to be found and implemented.	The school guidance process is designed to provide planning assistance to students with disabilities who are fully mainstreamed and not classified as needing special education. The vocational rehabilitation program can and does take applications from in-school youth who are fully mainstreamed.

PUBLIC COMMENTS ON THE VOCATIONAL REHABILITATION/ SUPPORTED EMPLOYMENT STATE PLAN FOR FEDERAL FISCAL YEARS 1998, 1999 and 2000	
COMMENT	**VESID'S RESPONSE**
The provision of some services and accommodations should not be provided based on economic need. Interpreter services and speech therapy are two basic services that need to be available to all clients, without charge, to maximize their potentials.	Based on comments received through the State Plan hearings and other forums, the October 1, 1997 implementation date for economic need changes has been postponed. All comments will be carefully considered when final decisions are made.
VESID should provide to eligible clients the latest in technologies to best equip them for work. In the case of clients with hearing loss, provision of programmable and digital hearing aids, as well as cochlear implants and accessories, are needed. There is no federal limitation on providing such services/devices and their benefits are clearly documented.	Assistive technology is a service VESID currently provides based on individuals' needs.
VESID should continue to recruit and hire RCDs.	VESID is working to get permission to fill vacancies in these positions.
There is general agreement that exposure to individuals who are deaf/hard of hearing and successfully employed is a great asset. Programs that focus on job preparation and that include a mentoring program should be supported by VESID.	VESID's programs currently focus on employment development. VESID encourages mentoring where possible.
Joanne Scandale, Program Director David Clark Learning Center, Liverpool, NY	
The proposed changes in financial need determination methods could also impact negatively on individuals with brain injuries. Many of these young men may be reluctant to put aside some of their SSDI/SSI to offset the cost of supported employment, or other services. Individuals with brain injuries tend to have difficulties accepting the need for a job coach to assist them in their re-entry into the work force. Compound this with the idea of contributing to the cost of the job coaching services, and many individuals with ABI are likely to give up on returning to work.	Based on comments received through the State Plan hearings and other forums, the October 1, 1997 implementation date for economic need changes has been postponed. All comments will be carefully considered when final decisions are made.

PUBLIC COMMENTS ON THE VOCATIONAL REHABILITATION/ SUPPORTED EMPLOYMENT STATE PLAN FOR FEDERAL FISCAL YEARS 1998, 1999 and 2000	
COMMENT	**VESID'S RESPONSE**
If New York has to go to an "Order of Selection" system, many individuals with brain injuries especially those with "mild head injuries" would probably be denied VESID service. I am deeply concerned that many individuals with brain injuries will be dropped to the bottom of the "list", thereby further damaging their self-esteem and denying them opportunities to develop positive social relationships.	VESID agrees that an order of selection would be detrimental to persons with disabilities and does not intend to implement an order of selection in the upcoming Federal fiscal year.
The idea that persons can be considered successfully employed at 90 days, an increase from 60 days under the previous law is an idea that I hope will help individuals with brain injuries. These individuals have difficulty holding jobs, so perhaps they will receive the necessary supports for a longer period of time.	VESID will carefully monitor the impact of the extended employment period on outcomes across disabilities.
VESID's consumer choice policy seems very reasonable especially as applied to individuals with acquired brain injuries.	VESID appreciates the statement of support for this policy.
The welfare reform package will be detrimental to the needs of individuals with ABI if some people with disabilities must set aside training and development programs in order to take immediate employment at low wages. Individuals with ABI need both educational/training programs and employment opportunities. VESID can help by advocating on behalf of individuals with brain injuries.	VESID has developed several documents identifying the impact of welfare reform on individuals with disabilities. This information has been shared with the Legislature, Division of the Budget, providers and advocacy groups. This material highlights the importance of educational and training programs and employment opportunities for all individuals with disabilities. Individuals with ABI on Social Security will not be impacted by these welfare reform initiatives.

PUBLIC COMMENTS ON THE VOCATIONAL REHABILITATION/ SUPPORTED EMPLOYMENT STATE PLAN FOR FEDERAL FISCAL YEARS 1998, 1999 and 2000	
COMMENT	**VESID'S RESPONSE**
Sheila Dai, President **SUNY Disability Services Council** We are disappointed that an opportunity for discussion was not scheduled between college and university representatives and VESID personnel to take place. Further, reviewing the document, it is clear that none of our comments was considered or incorporated in your proposal or strategic plan recommendations. There is great concern with the methodology chosen in deciding which institutions a VESID consumer will be funded for enrollment. Evaluating institutions on the basis of graduation and employment indices as a means of measuring their "proven track record" should not be used as an external measure for funding purposes. Institutions consider these factors for recruitment efforts, but students are still given the opportunity to make their own choice when applying to a college or university. This recommendation conceptually eliminates the ability of the consumer to make a college selection utilizing important criteria other than graduation and employment rates. It is recommended that consumers will have one year VESID sponsorship to decide on a vocational goal and subsequent college level course of study. This does not fall in line with college timelines. Particularly on a four year level, colleges normally do not expect a student to commit to a formal academic major until the end of the second year.	Eleven regional sessions were held with college representatives across the State. Based on comments received through the State Plan hearings and other forums, VESID will revise its recommendations for consideration by the Board of Regents for implementation in the Fall 1998 academic year.

PUBLIC COMMENTS ON THE VOCATIONAL REHABILITATION/ SUPPORTED EMPLOYMENT STATE PLAN FOR FEDERAL FISCAL YEARS 1998, 1999 and 2000	
COMMENT	**VESID'S RESPONSE**
Redirection of VESID funding from remedial courses at the college level may be constructive as long as a new mechanism is well in place and ready to be implemented before funding is appropriated elsewhere. There is no mention concerning what new models are under consideration and to what extent this would effectively prepare the student for college level study.	Based on comments received through the State Plan hearings and other forums, VESID will revise its recommendations for consideration by the Board of Regents for implementation in the Fall 1998 academic year.
B. Jean Fairbairn, Director **Binghamton University, Binghamton** The provision of support services for college students with disabilities is a priority of both VESID and higher education disability services providers. You have accurately captured our concern regarding whether the financial responsibility for services to VESID consumers lies with VESID or the higher education institutions. The issue related to sources of private funding, however, involved the current VESID policy of subtracting any scholarship aid a student obtains from the need to be met by VESID. It is discouraging and demoralizing to the college services to have it washed out by VESID reductions. Further, the administrators of the private foundations that award scholarships to assist students in need would be outraged to learn that their financial support was actually going to the State instead.	Federal Regulations require that VESID and students make maximum efforts to secure other sources of financial aid for college. The financial support is not to the State, but to the consumer.

PUBLIC COMMENTS ON THE VOCATIONAL REHABILITATION/ SUPPORTED EMPLOYMENT STATE PLAN FOR FEDERAL FISCAL YEARS 1998, 1999 and 2000	
COMMENT	**VESID'S RESPONSE**
I was pleased to read, in your Recommendations for Policy Changes, that VESID is recommending the maintenance of current policy to fund support services (e.g., interpreters, personal assistance such as note takers, readers, scribes, and attendant care, tutorial services, rehabilitation technology) for their college clientele. I'm not sure that there is a need for an extensive new policy on the role of the VESID counselor in coordinating services, except the initiation and maintenance of ongoing contact between him/her and the college disability services director.	VESID appreciates your comments and input and will consider them when determining the final disposition of this recommendation.
I recognize and share concerns about student employment after graduation. While students in their freshmen or early sophomore year are often not developmentally ready to settle on a specific career and many college students change career goals several times before embracing one that is satisfying and appropriate. I recommend that students in four-year institutions be allowed 1 ½ to 2 years to declare an academic major and career field aspirations. I strongly support a career development component as part of the IWRP and would be glad to help students devise strategies to enhance their career exploration.	Based on comments received through the State Plan hearings and other forums, VESID will revise its recommendations for consideration by the Board of Regents for implementation in the Fall 1998 academic year.
VESID's intentions regarding recommendations and changes to the Rehabilitation Act is unclear. I hope that you will seek to collaborate with the SUNY Disability Services Council in assessing the current regulations and developing any recommendations for change.	VESID will continue to work with all colleges and universities regarding services to college students with disabilities in developing policies and practices in these areas.
Developing mechanisms to coordinate and collocate services for college students with disabilities. I'm not sure what you mean by "collocating" services.	This implies using resources from both programs to maximize benefits to our mutual consumers.

PUBLIC COMMENTS ON THE VOCATIONAL REHABILITATION/ SUPPORTED EMPLOYMENT STATE PLAN FOR FEDERAL FISCAL YEARS 1998, 1999 and 2000	
COMMENT	**VESID'S RESPONSE**
Roger G. Purdy, Ed.M. **Coordinator, Services for Students with Special Needs**	
...the most difficult concept to understand and for VESID to implement appropriately will be "cost and effectiveness."	All programs receiving State and/or Federal money must incorporate cost and effectiveness in the provision of consumer services. Cost-effectiveness for VESID consumers is directly related to obtaining employment after receiving services.
...my next concern...is the inability of VESID to support individuals who need a semester of remedial class work in order to build their skills to be successful. These remedial classes may not be covered and/or may reduce the financial aid available to assist the student throughout the degree or certificate program. In some cases it may be detrimental to have a student take remedial classes concurrently with credit classes for their degree. Students needing only particular remedial classes should be sponsored in college with VESID funds where appropriate.	Based on comments received through the State Plan hearings and other forums, VESID will revise its recommendations for consideration by the Board of Regents for implementation in the Fall 1998 academic year.
I would ask that two terms be clearly defined. First, the term "sponsorship." "Sponsorship" would refer to those goods and services that should be included i.e., tuition, books, supplies/materials, transportation, etc. If VESID is the payer of last resort for tuition when PELL and TAP have been awarded, what if any, financial assistance can a student expect? Secondly, "support services" should be clearly delineated. Will "support services" include only auxiliary aids and services or also other things like tutoring, equipment for home, diagnostic services, etc.? With these clarifications, both the consumers and educational providers will have an understanding of what their respective roles are.	Sponsorship refers to the fundable services necessary to attend college as assessed by the student's available resources, comparable benefits and individual needs. Support services refer to those services required by the student to successfully participate in and complete college course work and could include tutoring, assistive technology, etc. based on individual need.

PUBLIC COMMENTS ON THE VOCATIONAL REHABILITATION/ SUPPORTED EMPLOYMENT STATE PLAN FOR FEDERAL FISCAL YEARS 1998, 1999 and 2000	
COMMENT	**VESID'S RESPONSE**
One of the biggest problems that I observe is the lack of realistic deadlines set by VESID in order for consumers to have all necessary paperwork in place by the time a program starts. Without deadlines, VESID has lost any ability to monitor the students' progress in meeting VESID's requirements. It would be highly beneficial for VESID to expand the use of technology for such things as applications on-line for both VESID, as well as other services such as the SUNY or financial aid applications.	VESID currently has a deadline for applications for college sponsorship of July 15. However, exceptions are considered on an individual basis. VESID continues to look at all possible avenues to be more cost effective and consumer responsive, including better use of technology.
...would encourage VESID not to look to others to do their work, VESID for example, has the expertise when it comes to disabilities and job placement. College placement offices may need additional training from VESID to assist students with disabilities in their job search. This is what VESID does and in part was created for.	Based on comments received through the State Plan hearings and other forums, VESID will revise its recommendations for consideration by the Board of Regents for implementation in the Fall 1998 academic year.
Bruce E. Pomeroy **Director, Student Support Services** **Broome Community College**	
As a community college that admits and assists many students who need to improve their academic skills through prerequisite courses and/or developmental coursework, the proposal to remove VESID support for this much needed activity is alarming. To stop VESID support of students in such situations would severely limit the capability of many individuals to be able to reach their full potential and achieve a college degree.	Based on comments received through the State Plan hearings and other forums, VESID will revise its recommendations for consideration by the Board of Regents for implementation in the Fall 1998 academic year.
The suggestion that campus staff needs to be trained in assisting college students with disabilities in seeking and obtaining employment after graduation may be a little presumptuous on VESID's part and should be researched for true validity.	

PUBLIC COMMENTS ON THE VOCATIONAL REHABILITATION/ SUPPORTED EMPLOYMENT STATE PLAN FOR FEDERAL FISCAL YEARS 1998, 1999 and 2000	
COMMENT	**VESID'S RESPONSE**
I applaud and recognize the effort to revise VESID policies to ensure that students serviced by VESID receive appropriate support by VESID, but care should be given to the proposed changes so that students are still given the opportunity to realize their full potential, not "channeled" into predetermined paths of outcome that limit their educational and employment outcomes.	VESID services are consumer driven, actively involving the consumer in determining their needs and choices throughout the process.
Janet Whitt **Associate Executive Director** **Vocational Rehabilitation/Employment Services** **International Center for the Disabled (NYC)**	
Making the VESID system less user-friendly can have an impact on program successes. Service providers are unclear about VESID policies given the latitude district offices and/or individual counselors have to interpret these policies. If changes in the economic need policies are in fact implemented, it is crucial that care be taken to provide clear and consistent communication about these changes.	VESID has been making concerted efforts to assure consistent application of policies and procedures across the State and particularly among NYC district offices. This effort is also concerned with assuring that consumer choice and individual counselor roles are not unnecessarily restricted. We are working with great care to be certain that pending economic need changes are consistently and fairly applied.
Unified Contract holders have arrangements with VESID which cannot be affected by changes in VESID's economic need policies.	This is a misperception. UCS contracts contain clauses which permit VESID to apply statewide changes in policies.
VESID should itself assume responsibility for collecting contributions required of consumers and not impose an additional burden on providers.	Based on comments received through the State Plan hearings and other forums, the October 1, 1997 implementation date for economic need changes has been postponed. All comments will be carefully considered when final decisions are made.
VESID's review of individual community rehabilitation programs has and will result in more effective use of scarce dollars. Indeed, all programs which prepare consumers for employment should achieve an acceptable outcome level or not be approved for VESID consumers.	We agree. Our onsite monitoring of programs and our program evaluation/sunset system have resulted in demonstrable program improvements.

PUBLIC COMMENTS ON THE VOCATIONAL REHABILITATION/ SUPPORTED EMPLOYMENT STATE PLAN FOR FEDERAL FISCAL YEARS 1998, 1999 and 2000	
COMMENT	**VESID'S RESPONSE**
Cost-effectiveness criteria should be applied to all programs serving VESID consumers including proprietary schools, colleges and universities.	We agree; however, our resources are such that we must concentrate on provider areas which are not otherwise monitored by other State agencies or by the State Education Department.
CRP's are paid by day of attendance, keeping staffing levels up even when consumers are not present. CRP's provide supportive services in addition to instruction. Proprietary schools offer few supports. Parity among training providers is needed if CRP's are to survive.	Proprietary schools serve a very different population from CRPs and are licensed and controlled differently. VESID's per diem payment method to CRPs is intended to maximize efficiency. It is the responsibility of the CRP to establish staffing levels and to assure attendance by consumers.
...an effective partnership between VESID and providers is critical to achieving our collective goal of 20,000 placements per year.	VESID agrees and values its partnership with providers in progressing toward this goal.
Ronald D. Herron **Vice President for Student Affairs** **Chair, SUNY Chief Students Affairs Officers Association** **Purchase College (SUNY)**	
VESID's policy changes, as prescribed in the "...State Plan..." will have...the following adverse effects: It arbitrarily restricts a VESID client's choice of a college, by limiting choice of post-secondary institutions to those on a list of institutions pre-selected by VESID. It requires students to determine a vocational goal and a subsequent college level course of study within one year in order to receive continued sponsorship through VESID. Such policy holds disabled students to a more rigid standard than their peers without disabilities, clear evidence of discrimination.	Based on comments received through the State Plan hearings and other forums, VESID will revise its recommendations for consideration by the Board of Regents for implementation in the Fall 1998 academic year.

PUBLIC COMMENTS ON THE VOCATIONAL REHABILITATION/ SUPPORTED EMPLOYMENT STATE PLAN FOR FEDERAL FISCAL YEARS 1998, 1999 and 2000	
COMMENT	**VESID'S RESPONSE**
Because of the extension of VESID financial needs criteria to all rehabilitation services (with certain exceptions) the costs of services such as interpreters, readers, notetakers, and amanuensis' will not be fully covered. Colleges will have to substitute State funds for this loss of financial assistance; there has been no coordinating plan to assure the reallocation of existing funds to cover these costs.	Based on comments received through the State Plan hearings and other forums, the October 1, 1997 implementation date for economic need changes has been postponed. All comments will be carefully considered when final decisions are made.
The proposed policy shifts responsibility for specialized career counseling and job placement for the disabled to Colleges, despite the fact that VESID has a tradition of expertise and success in this highly specialized professional area.	Based on comments received through the State Plan hearings and other forums, VESID will revise its recommendations for consideration by the Board of Regents for implementation in the Fall 1998 academic year.
We share VESID's commitment to cost effectiveness, quality and student self-determination, but believe that VESID has failed to adequately engage the SUNY higher education community in determining how best to achieve them. The result: your clients and our students, all citizens of the State of New York, will be poorly served and, once again, lessened in their capacity to pursue education so vital for their full independence and self determination.	

PUBLIC COMMENTS ON THE VOCATIONAL REHABILITATION/ SUPPORTED EMPLOYMENT STATE PLAN FOR FEDERAL FISCAL YEARS 1998, 1999 and 2000	
COMMENT	**VESID'S RESPONSE**
Joanne W. Dermody **President** **Central New York Registry of Interpreters For the Deaf (CNYRID)**	
The economic need requirement would allow VESID to measure the resources clients have available so as to share in the cost of their vocational rehabilitation services; however, the CNYRID does not consider interpreting to be a "rehabilitation services" for deaf and hard of hearing persons. Interpreting is a means of providing communication accessibility so that deaf and hard of hearing individuals may have an opportunity to participate in and benefit from the rehabilitation services that is equally as effective as is the opportunity awarded to nondisabled persons. Federal regulations maintain that individuals with disabilities are not responsible either directly or indirectly for the costs of accommodations, such as "auxiliary aids", for government programs. Therefore, it seems that the proposed means-testing for interpreting services would not conform to current civil rights legislation for individuals with disabilities.	Based on comments received through the State Plan hearings and other forums, the October 1, 1997 implementation date for economic need changes has been postponed. All comments will be carefully considered when final decisions are made.
In addition, economic means testing to apply clients' resources for the payment of interpreter services in these instances would foster further underemployment and unemployment for deaf and hard of hearing individuals. If this proposed policy change is implemented on October 1, 1997, individuals who are deaf and hard of hearing may choose not to seek rehabilitation services due to the costs of interpreting services. They may even be forced to rely on "volunteer" interpreters again from family members and friends as was done before interpreting developed into a recognized profession.	Based on comments received through the State Plan hearings and other forums, the October 1, 1997 implementation date for economic need changes has been postponed. All comments will be carefully considered when final decisions are made.

PUBLIC COMMENTS ON THE VOCATIONAL REHABILITATION/ SUPPORTED EMPLOYMENT STATE PLAN FOR FEDERAL FISCAL YEARS 1998, 1999 and 2000	
COMMENT	**VESID'S RESPONSE**
Consumer People such as myself need the supportive services that Unity and VESID give. If we had to pay for these services I could not afford to pay and I think I would not be at Liberty Mutual today.	Based on comments received through the State Plan hearings and other forums, the October 1, 1997 implementation date for economic need changes has been postponed. All comments will be carefully considered when final decisions are made.
Consumer 3 or 4 times a week a job coach comes out to help me. I couldn't afford to pay for that either.	Based on comments received through the State Plan hearings and other forums, the October 1, 1997 implementation date for economic need changes has been postponed. All comments will be carefully considered when final decisions are made.
Stephen M. Smits **Director, Central New York Developmental Services** **Office of Mental Retardation and Developmental Disabilities (OMRDD)**	
Financial Need Determination: Consumers and their families may hesitate seeking VESID services if they believe that they must pay for them. Many consumers need to live with their families long into their adult life and the families may not know whether or not the family income and/or the consumer's income will be included in the determination of costs of services. This needs to be clearly explained to the families.	Based on comments received through the State Plan hearings and other forums, the October 1, 1997 implementation date for economic need changes has been postponed. All comments will be carefully considered when final decisions are made.
90 Days For Successful Employment: This will help our consumers as many consumers require longer periods of time to learn their jobs.	VESID will carefully monitor the effect of 90 day employment on outcomes and job retention.
Full Participation By Consumers: We are in total agreement to include the consumer with the VESID counselor when developing services.	VESID appreciates the comments in support of the policy on consumer choice.

PUBLIC COMMENTS ON THE VOCATIONAL REHABILITATION/ SUPPORTED EMPLOYMENT STATE PLAN FOR FEDERAL FISCAL YEARS 1998, 1999 and 2000	
COMMENT	**VESID'S RESPONSE**
Welfare Reform: All of us need to advocate for people to continue to participate in vocational training and not be forced out of training just to take any job.	VESID supports this comment and has developed and discussed fiscal impact and recommendations with a number of interested parties.
VESID Orientations: Many of the consumers that we serve in OMRDD are unable to fully understand information given to them orally or in writing regarding VESID services. Our consumers would better be able to benefit from VESID services if an OMRDD Service Coordinator could attend VESID orientations with the consumer.	This should be arranged with the District Office Manager; also, OMRDD staff might benefit from cross-systems training.
Additional Comments: We advocate for VESID's continued support for the school to work transition program and would welcome increased funding for this valuable and successful program.	We agree that this is a valuable initiative. We appreciate the support of our agency partners, which has contributed in many ways to our early successes in this area.
George A. Mango **Executive Director** **Consolidated Industries of Greater Syracuse, Inc.**	
The day rates for our services have not changed and are not adequately compensating the organization for the services provided. Grossly inadequate is the rate for supportive employment services. The rate does not allow for the provision of services needed nor any of the cost for administering the service.	VESID recognizes that rates for not-for-profit providers have not increased in several years. Recent efforts to achieve additional State funding have been successful only to the extent of avoiding order of selection. In 1996, VESID's allocation for Supported Employment was reduced from the prior year's allocation. VESID will continue to make the case for additional funds in order to increase reimbursement of service costs.
The proposed requirement to collect fees from those who are not in economic need for services rendered will further place an undue burden upon the operations of the programs and add cost.	Based on comments received through the State Plan hearings and other forums, the October 1, 1997 implementation date for economic need changes has been postponed. All comments will be carefully considered when final decisions are made.

PUBLIC COMMENTS ON THE VOCATIONAL REHABILITATION/ SUPPORTED EMPLOYMENT STATE PLAN FOR FEDERAL FISCAL YEARS 1998, 1999 and 2000	
COMMENT	**VESID'S RESPONSE**
Over the past eight years, we as an organization have worked hard and successfully in creating opportunities both within our Center as well as within the community to create jobs and employ people with disabilities and people on public assistance roles. We believe that VESID should be more supportive of these initiatives. The current position of limiting their scope of support to "Supportive Employment" initiatives exclusively is not in the best interest of people we serve.	In spite of our attempts to support all appropriate community initiatives leading to employment, we cannot always do so.
With respect to an order of selection. The removal of services to people with moderate disability, people with mental illness without hospitalization will have a very negative impact upon populations who could receive enormous benefit from the services of VESID.	VESID agrees that an order of selection would be very detrimental to persons with disabilities and does not intend to implement an order of selection in the upcoming fiscal year.
Chris Garofalo **Coordinator of Supported Employment & Day Habilitation** **Onondaga Community Living**	
Onondaga Community Living (OCL) and the people we support are <u>not</u> in favor of the concept of "economic need determination" in receiving services. The first thing that comes to mind is that this type of financial system would shut many persons with disabilities out of these essential services.	Based on comments received through the State Plan hearings and other forums, the October 1, 1997 implementation date for economic need changes has been postponed. All comments will be carefully considered when final decisions are made.
OCL also believes that, similar to the general public at age 21, people with disabilities should also be treated as adults at age 21, and their parents income should not be a contributing factor into their lives.	Based on comments received through the State Plan hearings and other forums, the October 1, 1997 implementation date for economic need changes has been postponed. All comments will be carefully considered when final decisions are made.

PUBLIC COMMENTS ON THE VOCATIONAL REHABILITATION/ SUPPORTED EMPLOYMENT STATE PLAN FOR FEDERAL FISCAL YEARS 1998, 1999 and 2000	
COMMENT	**VESID'S RESPONSE**
As an agency, another concern that we have would be "acting as a bill collector" towards the very families and people we are supposed to be supporting. This is in light of the upcoming idea of families paying for services. We feel this would cause a variety of negative barriers and the breakdown of trust that comes along with these types of financial responsibilities.	Based on comments received through the State Plan hearings and other forums, the October 1, 1997 implementation date for economic need changes has been postponed. All comments will be carefully considered when final decisions are made.
OCL is also opposed to the concept of "Order of Selection" as a way of doing business. This process would treat people as a whole and not as individuals. It would also force many people with less significant disabilities to "fall through the cracks" and be underserved.	VESID agrees that an order of selection would be very detrimental to persons with disabilities and does not intend to implement an order of selection in the upcoming fiscal year.
OCL would also like to make a statement regarding a person's choice as it relates to employment. ...some individuals choose to be involved in day habilitation, where they may be able to have other, sometimes better opportunities, in volunteer settings. Who are we to say that they cannot experience these types of opportunities?	VESID agrees that individuals should have the right to choose less integrated outcomes after they have been informed about integrated options. VESID will support individuals in preparing for these choices.

PUBLIC COMMENTS ON THE VOCATIONAL REHABILITATION/ SUPPORTED EMPLOYMENT STATE PLAN FOR FEDERAL FISCAL YEARS 1998, 1999 and 2000	
COMMENT	**VESID'S RESPONSE**
OCL's suggestion for the available funds would be to...pay for additional counselors and assistants to help serve the enormous numbers of people with disabilities not being served, who have been sitting on waiting lists for a very long time. ...we have noticed...a noticeable change in the type of people applying for the positions of supporting people with disabilities. It used to be people with Bachelor's degrees, who also viewed it as a "professional" position, that would be willing to work for $16,000 a year. We are now seeing people with high school diplomas, with much less experience applying for these positions. As a result, much more time and money are needed, which isn't available as well, in order to properly train these individuals. Being a much smaller agency, OCL has great difficulty in offering competitive salaries to its employees in order to keep them for an extended period of time.	VESID is committed to ensuring an adequate, qualified staff of vocational rehabilitation professionals and paraprofessionals to meet the needs of persons with disabilities in NYS. VESID informs the Governor's Office and the Legislature of its need for adequate resources to recruit and retain staff both for VESID and community providers.
Nicole Janer Executive Director Exceptional Family Resources	
I am pleased to see that flexibility is being applied to assess the degree to which services are provided in integrated settings based on the Federal Law and regulations. More and more people are choosing to work at home using the computer as a vehicle to do this. They interact with many people who are not disabled in carrying out this work. I encourage VESID to recognize these situations as successful employment outcomes.	VESID supports employment in integrated settings to the maximum extent possible, consistent with an individual's informed choice. Telecommuting and work from home are included in integrated employment if it affords the individual opportunities to interact with non-disabled persons to the same extent as a non-disabled person in a comparable job.
Orientations for applicants have in a few instances been very pivotal for some of our consumers. It was intended to move people into the system more quickly, but we have seen the opposite. ...I encourage VESID to be open to looking at not using the orientation as a prerequisite to receiving services.	Consumers have an option of attending group orientation or meeting privately with an intake worker or counselor. However, orientation is most likely not the problem. Consumers are probably delayed at a later stage in the process when planning and goal development may take time.

PUBLIC COMMENTS ON THE VOCATIONAL REHABILITATION/ SUPPORTED EMPLOYMENT STATE PLAN FOR FEDERAL FISCAL YEARS 1998, 1999 and 2000	
COMMENT	**VESID'S RESPONSE**
For many of the families we serve the need to pay for services such as supported employment, interpreter services, specialized transportation, and sheltered employment would be a hardship. Costs associated with raising a son or daughter with a disability are greater than a typical child. There is support for families that are in the lower middle income ranges for costs such as respite, transportation, health insurance and recreation. By asking families with equal resources to be treated more equally to level the playing field is unfair. The playing field is not currently level. This proposed change would significantly limit the opportunities that tax paying, middle income families have to access services.	Based on comments received through the State Plan hearings and other forums, the October 1, 1997 implementation date for economic need changes has been postponed. All comments will be carefully considered when final decisions are made.
With regards to Order of Selection and the need to serve more people with the same resources, I encourage VESID to not go to an order of selection. ..it is not fair or sound policy to place greater value for one disability, or pin one disability group against another.	VESID agrees that an order of selection would be very detrimental to persons with disabilities and does not intend to implement an order of selection in the upcoming fiscal year.
An increase in the criteria for successful closure from 60 to 90 days seems to me to be a positive change for the rehabilitation delivery system. This will hopefully ensure long term employment and possibly eliminate the recycling of consumers for additional services from VESID.	VESID will carefully monitor the impact of the extended employment period on outcomes across disabilities.

PUBLIC COMMENTS ON THE VOCATIONAL REHABILITATION/ SUPPORTED EMPLOYMENT STATE PLAN FOR FEDERAL FISCAL YEARS 1998, 1999 and 2000	
COMMENT	**VESID'S RESPONSE**
Consumer People with disabilities entering the workplace for the first time, and likewise their prospective employers, need the expertise of professionals like the job coaches... These services not only make employment possible they help both the employers and the would-be employees to believe in the possibility of a mutually productive work relationship. The better their work is funded, the more people will be employed. ...let's channel as much money as possible to supported employment: it makes good sense.	We agree and VESID's efforts in the past several years document the success of our initiative to shift funding to integrated employment outcomes.
Roy Van Dusen **Program Coordinator for Community Employment Services (CES)** **Enable** A great concern for our community and for us as an agency is the lack of capacity to serve all of the people requesting supported employment services. We feel that the State plan should address the need of capacity building. We support the proposal that $300,000 should be restored to VESID's budget for extended services. This will help to ensure continued employment for people with severe disabilities.	Recently issued Federal regulations authorize support for costs needed to establish, develop or improve a community rehabilitation program as long as these costs are not ongoing operational expenses of the program. VESID will address this need as funding allows. We appreciate the wide ranging support that VESID has received for the restoration of the extended services funds and are hopeful that the State Legislature restores this funding.
Donald Boudov **Executive Director** **Aurora of Central New York, Inc.** ...concerned about the idea..."means test" that would impact deaf consumers. This policy is likely to reduce the involvement of individuals who are deaf...	Based on comments received through the State Plan hearings and other forums, the October 1, 1997 implementation date for economic need changes has been postponed. All comments will be carefully considered when final decisions are made.

PUBLIC COMMENTS ON THE VOCATIONAL REHABILITATION/ SUPPORTED EMPLOYMENT STATE PLAN FOR FEDERAL FISCAL YEARS 1998, 1999 and 2000	
COMMENT	**VESID'S RESPONSE**
Under ADA and the Rehabilitation Act, responsibility for the cost of government programs cannot be placed on the individual with a disability.	Based on comments received through the State Plan hearings and other forums, the October 1, 1997 implementation date for economic need changes has been postponed. All comments will be carefully considered when final decisions are made.
Welfare reform.... VESID should be able to assist in this process by advocating for the consumer and their rights to training...	VESID continues to work with advocacy and provider groups to inform the Legislature about the specific impact of welfare reform on individuals with disabilities and their ability to return to sustained employment.
Valerie S. McNickol **President** **Empire State Association for Persons in Supported Employment (APSE)**	
Empire State APSE strongly opposes the implementation of an order of selection. ...it is unconstitutional to discriminate...on a person's type or variance of disability.	VESID agrees that an order of selection would be very detrimental to persons with disabilities and does not intend to implement an order of selection in the upcoming fiscal year.
...economic need/financial determination methods will create one more barrier for services, and will financially burden the service providers. It is unfair to ask the person who is already discriminated against in the work world, to pay for services...	Based on comments received through the State Plan hearings and other forums, the October 1, 1997 implementation date for economic need changes has been postponed. All comments will be carefully considered when final decisions are made.
Welfare reform will be forcing people to take immediate employment opportunities for the sake of having a job. ...setting people up for failure.	VESID agrees and, as mentioned previously, has developed recommendations which it has shared and discussed with a variety of public agencies, and the Legislature.
Frank Servadio **Manager, Rehabilitation and Residential Services** **St. Joseph's Hospital Health Center**	
Orientations appear to be working for most people but...may screen out the more fragile....	Applicants have an option of attending group orientation or meeting privately with an intake worker or counselor.

PUBLIC COMMENTS ON THE VOCATIONAL REHABILITATION/ SUPPORTED EMPLOYMENT STATE PLAN FOR FEDERAL FISCAL YEARS 1998, 1999 and 2000	
COMMENT	**VESID'S RESPONSE**
Being asked to pay for services may be a big disincentive....	Based on comments received through the State Plan hearings and other forums, the October 1, 1997 implementation date for economic need changes has been postponed. All comments will be carefully considered when final decisions are made.
A policy of no longer serving people with mental illness without their having been hospitalized is totally unfair.	VESID's policy does not require an individual with mental illness to be hospitalized first.
VESID should remain available with funds to assist people...who have had to leave school or training to take jobs through welfare....	VESID has developed recommendations which it has shared and discussed with a variety of public agencies, and the Legislature.
The increase to 90 days as a requirement for a "successful rehab" may only affect the individual VESID counselors. Nothing is mentioned regarding this so we are assuming that contracting agencies will still be allowed to make their own decisions as to <u>when</u> a program participant is stable on the job and ready to be transferred into extended services. It would be the VESID counselor who then holds the case open at VESID for the required time period.	All decisions about whether an individual is stabilized on the job should include the consumer, VESID and the provider.
From a staff point of view, in most instances, consumer choice and input versus VESID counselor and agency judgment regarding consumer services <u>has</u> worked fairly and well. But, we would be interested in hearing the results of a wide-ranging consumer survey on this subject.	The results from a 1995 consumer satisfaction survey show that 78.8% of people currently receiving services responded that they were involved in the decision process about their goals and services.
Melody Holman **Program Director** **Transitional Living Services (Syracuse)**	
...Order of Selection...can result in denying services to individuals with a disability of mental illness who have not been hospitalized.	VESID agrees that an order of selection would be detrimental to eligible persons with disabilities and does not intend to implement an order of selection in the upcoming fiscal year.

PUBLIC COMMENTS ON THE VOCATIONAL REHABILITATION/ SUPPORTED EMPLOYMENT STATE PLAN FOR FEDERAL FISCAL YEARS 1998, 1999 and 2000	
COMMENT	**VESID'S RESPONSE**
The requirement that VESID is proposing -- that an individual with a psychiatric disability would have to be hospitalized in order to receive vocational rehabilitation services -- will prevent access to services for some individuals with a severe disability. ...the criteria of hospitalization does not truly measure the extent of a disability. ...recommend that the criteria for hospitalization for people with mental illness to receive vocational rehabilitation services be dropped.	VESID has no requirement that an individual with a psychiatric disability be hospitalized in order to receive vocational rehabilitation services.
I would like to comment on putting supported employment contracts under financial need with the possibility that participants and their family will pay for this service. It is difficult for me to conceive how this would be administered... This would create additional administrative practices that would prohibit consumer access to programs. The goal of outreach and the goal of making supported employment a cost borne by the consumer do not complement each other.	Based on comments received through the State Plan hearings and other forums, the October 1, 1997 implementation date for economic need changes has been postponed. All comments will be carefully considered when final decisions are made.
Michael Irwin Coordinator of Assessment and Placement Services Onondaga-Cortland-Madison BOCES The proposed change in economic need regulations will call for an increase in admissions time and process to determine eligibility and funding options, far fewer persons in these program [BOCES and Adult Education] and resulting cancellations of programs with low enrollments, thus reducing availability of training options for all consumers.	Based on comments received through the State Plan hearings and other forums, the October 1, 1997 implementation date for economic need changes has been postponed. All comments will be carefully considered when final decisions are made.

PUBLIC COMMENTS ON THE VOCATIONAL REHABILITATION/ SUPPORTED EMPLOYMENT STATE PLAN FOR FEDERAL FISCAL YEARS 1998, 1999 and 2000	
COMMENT	**VESID'S RESPONSE**
The State Plan clearly states VESID's position as supportive of no Order of Selection. I strongly support this position and feel that New York State's vocational rehabilitation system is stronger and more comprehensive with the current structure. An Order of Selection process would diminish the number of potential students in many adult education classes and, added to the difficulties created through changes in the economic need criterion, would effectively eliminate many current and planned adult education alternatives for persons with disabilities.	VESID agrees that an order of selection would be detrimental to persons with disabilities and does not intend to implement an order of selection in the upcoming Federal fiscal year.
Carole Hayes-Collier **Director of Strategic Planning and Participant Affairs** **Transitional Living Services (Syracuse)** ...people with a diagnosis of a mental illness would be necessarily hospitalized in order to qualify for services [order of selection] through VESID is a possibility.	VESID agrees that an order of selection would be detrimental to persons with disabilities and does not intend to implement an order of selection in the upcoming Federal fiscal year.
Joanne Scandeli **Program Director** **David Clark Learning Center (Syracuse)** ...orientation...for people with brain injuries is kind of difficult... ...issue that really stands out is the potential order of selection, especially with those people with mild head injuries, because they may appear to have some mild orthopedic issues. ...29 to 58% of people's blood alcohol level taken at trauma centers when they acquire head injuries is positive for alcohol. Those people once they acquire brain injury are half as likely again to go back to the pre-injury behavior of drinking because acquired brain injury typically means you become socially isolated.	Individuals can choose to attend a group orientation or meet privately with a counselor or intake worker to discuss their needs and what VESID can offer. VESID agrees that an order of selection would be detrimental to persons with disabilities and does not intend to implement an order of selection in the upcoming Federal fiscal year.

PUBLIC COMMENTS ON THE VOCATIONAL REHABILITATION/ SUPPORTED EMPLOYMENT STATE PLAN FOR FEDERAL FISCAL YEARS 1998, 1999 and 2000	
COMMENT	**VESID'S RESPONSE**
Consumer **Enable (Syracuse)** Don't make consumers have to pay for services because it would be a hardship and they have enough to worry about just getting ready for their job.	Based on comments received through the State Plan hearings and other forums, the October 1, 1997 implementation date for economic need changes has been postponed. All comments will be carefully considered when final decisions are made.
Consumer **Unity House** The ideas of "orientation" to help applicants move through the system more quickly we all disagree with. I disagree with this fact due to it not being individualized anymore. If I did not have an individualized "orientation" I would have failed to go through the program. ...if one of the people in the group "orientation" had a learning disability, do you really believe that they would want to raise their hand and ask for individual help because they couldn't read. ...I know from my own experiences that I would not ask for help.	Individuals can choose to attend a group orientation or meet privately with a counselor or intake worker to discuss their needs and what VESID can offer.
To charge people for their VESID services is outrageous.	Based on comments received through the State Plan hearings and other forums, the October 1, 1997 implementation date for economic need changes has been postponed. All comments will be carefully considered when final decisions are made.
...people on welfare...have to go to work...have to go to a work program for the food stamps. So when does that give them any time for employment?	VESID agrees with this comment and, as mentioned previously, has undertaken a number of steps to work with the Legislature to address this concern.

PUBLIC COMMENTS ON THE VOCATIONAL REHABILITATION/ SUPPORTED EMPLOYMENT STATE PLAN FOR FEDERAL FISCAL YEARS 1998, 1999 and 2000	
COMMENT	**VESID'S RESPONSE**
Edie Weintraub **Director of Advocacy Services** **Donna L. Gillette** **Advocate, Client Assistance Program** **Resource Center for Independent Living (Utica)**	
Yet from a review of the proposed policy changes in VESID College Sponsorship, it appears VESID is reversing the intent of the law, promoting segregation...	Based on comments received through the State Plan hearings and other forums, VESID will revise its recommendations for consideration by the Board of Regents for implementation in the Fall 1998 academic year.
VESID has proposed to eliminate funding for college tuition to those individuals who primarily enroll in developmental coursework. It appears that the intention of this change would be to segregate from "full inclusion and integration in society" those individuals who either by: severity of their disability; lack of proper secondary education; intentional discrimination of individuals with disabilities at the secondary education level, or due to longer absence from formal education. In conjunction with...other colleges, classes should be offered and supported by state agencies that provide the necessary training that the entire community requires. Included in course offerings, should be a full range of developmental coursework that VESID should be supporting.	
Instead of promoting a policy of separate but equal, RCIL supports a policy of reasonable accommodations in both the employment and educational settings.	VESID also supports this position.
...commend VESID on...Pre-Printed Assurances and Philosophy of Services Statements...	VESID appreciates RCIL's support.

PUBLIC COMMENTS ON THE VOCATIONAL REHABILITATION/ SUPPORTED EMPLOYMENT STATE PLAN FOR FEDERAL FISCAL YEARS 1998, 1999 and 2000	
COMMENT	**VESID'S RESPONSE**
...newly finalized Federal Regulations. We believe that these new regulations mandate an end to particular Policies and Guidelines which individual VESID counselors and District Offices have been applying in regards to eligibility determinations, IWRP development, and provision of services. ...[the] quickest employment outcome...has been VESID's driving force.	VESID's practices and Federal Regulations are consistent in this regard.

PUBLIC COMMENTS ON THE VOCATIONAL REHABILITATION/ SUPPORTED EMPLOYMENT STATE PLAN FOR FEDERAL FISCAL YEARS 1998, 1999 and 2000	
COMMENT	**VESID'S RESPONSE**
[IWRP] ...we are finding the following problems...: Goals not written to encompass a consumer's full vocational goal... VESID not willing to change a consumer's...goal... Insufficient investigation...on credentials needed for a specific goal; IWRP's not...developed in the manner described by federal and state statute... consumer comment are not being filled out or counselor's not explaining to consumers... justification for the goal...either inadequate or missing entirely in some cases; consumers not informed about what an IWRP is... explanation of intermediate and long term objectives inadequate...; ...annual reviews not evident... Provision of services section does not adequately reflect what...consumer is receiving at any point in time... ...revamp...current IWRP forms. ...that counselor and consumer explanations for justifications for the vocational goals, explanation for intermediate and long-term goals, and accurate description of all services being provided be accurately reflected upon the IWRP's themselves.	Through ongoing counselor training and supervision, VESID attempts to improve the IWRP development process and content. Case Reviews are conducted to identify problems specific counselors or offices are having. It is also important to have feedback from consumers and advocates about where further training needs to occur. The IWRP forms are being revised to comply with the new Federal regulations and these comments will be reflected in the revisions.

PUBLIC COMMENTS ON THE VOCATIONAL REHABILITATION/ SUPPORTED EMPLOYMENT STATE PLAN FOR FEDERAL FISCAL YEARS 1998, 1999 and 2000	
COMMENT	**VESID'S RESPONSE**
[Informed Choice] ...consumers...are not being informed of specific services that they may take advantage of... Individuals cannot make informed choice...if they do not know what services they have available to them. ...more individually based informational session for consumers who have already gone through...orientation. ...a "service list" based upon vocational goal be provided to the consumer.	VESID's policy and procedure on choice require that individuals have an opportunity to be involved in the development of their goals and services as much as possible. Counselors inform consumers about service alternatives based on written material, past experience, satisfaction of other consumers, placement rates and other pertinent information. Consumers also have an obligation to investigate alternatives independently, to the extent appropriate.
[Eligibility Criterion for Mental Health Consumers] The current evaluative approach used to assess individuals with a mental health diagnosis for eligibility is driving many away from services that they desperately need to achieve a successful vocational outcome....individuals have routinely been forced into counseling... ...allow a more holistic approach in establishing eligibility for these individuals.	VESID's general approach to evaluating the readiness of an individual with psychiatric disabilities is outlined in a Memorandum of Understanding between VESID and OMH dated August 1993. The criteria focus on the individual's need for a change in vocational role, commitment to making this change, ability to communicate, ability to develop a c unseling relationship, demonstration and successful management of coping with psychiatric symptoms, his/her basic needs of food, shelter and clothing are met and the individual will be available to participate in vocational services.
...Appeals process...is everything but impartial. The process of hiring hearing officers...a one (1) day training... ...if an independent hearing officer rends a decision that is contrary to VESID's...the decision is routinely reversed. Suggestion: Remove VESID as the sole agency in the hiring and training process.	VESID recruits hearing officers with the advice of CAP and the State Rehabilitation Advisory Council. Training activities occur periodically, with CAP participation. In 1995, ILC representatives also participated in the training. In 1997, hearing officers will have the opportunity to attend a three day training program sponsored by RSA through Southern Illinois University. The training will be provided in NYC in April.
...Rehabilitation Technology Services alludes to training as one of the services available to consumers... ...is much underused. ...the fact that the consumer does not receive training in the use of the same, many times leads to the failure of the consumer to successfully learn and use their rehabilitation technology.	Training of VESID staff, case reviews and the VESID technology task force will address these concerns.

PUBLIC COMMENTS ON THE VOCATIONAL REHABILITATION/ SUPPORTED EMPLOYMENT STATE PLAN FOR FEDERAL FISCAL YEARS 1998, 1999 and 2000	
COMMENT	**VESID'S RESPONSE**
Michael Peluso **NYS CAP Coordinator** **Commission on Quality of Care** The Regents, SED, and VESID should establish "benchmark" for the quality transition services for students with disabilities at the district and local levels. These benchmarks should call on school districts to develop "core competencies" for transition services. These measurable competencies would constitute a menu of services available to Committees on Special Education in developing and implementing individualized student transition plans. A revised SED/VESID MOU should be developed which establishes more defined and measurable benchmarks consistent with the transition requirements articulate in IDEA and the Rehabilitation Act. A sample of "menu" services might include: - Parent training and technical assistance - Disabled student empowerment curriculum - Level 1 assessment competency - Technology assessment and training - Mobility training - Career exploration - Independent living skill development - Situational vocational assessments - Mentoring - After school and summer volunteer experiences - After school and summer paid work experiences - Structured integrated social experiences - Programs for transition to post-secondary education and training	This comment is very timely, because it points toward the next steps of defining "quality" transition services. To do this, input is needed from all stakeholders. Using some Federal research (Kohler) that has been done in this area, a focus group will be assembled to refine the ideas and recommendations.

PUBLIC COMMENTS ON THE VOCATIONAL REHABILITATION/ SUPPORTED EMPLOYMENT STATE PLAN FOR FEDERAL FISCAL YEARS 1998, 1999 and 2000	
COMMENT	**VESID'S RESPONSE**
A structured regional planning framework is critical if local school districts are to accurately assess their ability to provide "core transition competencies" and to engage in effective development of service options. The Regents, SED and VESID should borrow from the success of the NYC Vocational Focus Group, by replicating that effort in the regions represented by the eight regional transition coordination sites. SED regional planning committees and VESID employment consortium are logical forums for regional transition planning. The following represent suggested regional planning objectives: • Assess the capacity of the school districts and local schools to provide "core competencies" and related services for effective transition services; • Set priorities for "core competency" development at the elementary, middle and high school levels within each state planning region; • Establish new fee-for-service agreements, where necessary, with local and regional service providers; • Assess the competency of school personnel to provide transition services; • Work with SED to develop school personnel's awareness and capacity to provide transition services; • Develop a regional transition services guide. VESID and SED should monitor a region's ability to meet defined transition benchmarks (i.e., the percentage of students within the region who have an IWRP developed prior to graduation; the district's capacity to offer a core menu of transition services and percentage of students who have had a paid work experience prior to graduation, etc.)	The process of regional planning and the components recommended by CAP will be considered by the focus group on transition to be convened.

PUBLIC COMMENTS ON THE VOCATIONAL REHABILITATION/ SUPPORTED EMPLOYMENT STATE PLAN FOR FEDERAL FISCAL YEARS 1998, 1999 and 2000	
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In borrowing from SED's strategy to report on school performance with the use of a report card, VESID and SED should issue "transition report cards" on the quality of transition services available on the district level. These report cards would be distributed to State, District and local stakeholders.	A standard way of measuring schools' performance in the area of transition will be considered by the focus group on transition to be convened.
SED and VESID should develop a best practices manual and model curriculum/strategies associated with each core competency. SED and VESID should provide enhanced technical assistance in program development and planning on the regional and local level. SED and VESID should facilitate regional linkages between school district and community rehabilitation programs, employment programs and the private sector. SED and VESID should work to eliminate implementation barriers, coordinate on the statewide level with other state agencies and other stakeholders, promote fee-for-service and contractual relationships where necessary, etc.	Two desktop guides have been disseminated in 1995 and 1996. Eight regional Transition Coordination Sites will continue to be funded to perform regional leadership. Transition objectives have been built into all VESID goals in its work plan.
SED and VESID should collaborate with the Commission on Quality of Care and the NYS Developmental Disabilities Planning Council to administer a statewide transition "Partners in Policy Making" model training for parents statewide. Regionally developed Best Practices Manuals and "Transition Resource Directories" should be made available to parents statewide.	We have discussed this idea with the DDPC and plan a joint project to pilot this idea in 1997-98.
VESID should reconsider the proposed changes to VESID's economic need policies and re-evaluate the US Department of Education's authority to sanction any changes in economic need practices.	Based on comments received through the State Plan hearings and other forums, the October 1, 1997 implementation date for economic need changes has been postponed. All comments will be carefully considered when final decisions are made.
VESID should continue to exempt interpreter, personal assistance, special transportation and supported employment services from economic need consideration.	

PUBLIC COMMENTS ON THE VOCATIONAL REHABILITATION/ SUPPORTED EMPLOYMENT STATE PLAN FOR FEDERAL FISCAL YEARS 1998, 1999 and 2000	
COMMENT	**VESID'S RESPONSE**
VESID should continue to exempt SSI and SSDI recipients up to age twenty-two from economic need consideration given that these populations represent some of VESID's most significantly disabled constituents.	Based on comments received through the State Plan hearings and other forums, the October 1, 1997 implementation date for economic need changes has been postponed. All comments will be carefully considered when final decisions are made.
The income thresholds should be increased up to the federal poverty level with a means test applied to all other non-exempt consumers on non-exempt services.	
The proposed prohibition on sponsorship for individuals "engaged primarily in developmental course work" should be deleted. Developmental sponsorship is often a bi-product of an individual's disability and denial of these services would represent a failure on VESID's part to meet their obligation to provide individualized services and would be discriminatory.	Based on comments received through the State Plan hearings and other forums, VESID will revise its recommendations for consideration by the Board of Regents for implementation in the Fall 1998 academic year.
The State Plan should dedicate VESID to developing the capacity at colleges for remediation. The Plan should also encourage the development of quality pre-college skill development programs.	
VESID should amend its scope of transportation services associated with college and training to be consistent with federal regulations. At most VESID should include transportation other than special transportation as service contingent on economic need.	Transportation other than special transportation is currently contingent on economic need.
The State Plan should reflect VESID's obligation to provide rehabilitation technology consistent with the Rehabilitation Act and pursuant regulations.	Attachment 5.1(b) has been reviewed and revised to clarify VESID's responsibility for providing technology.
The Commission respectfully suggests the Proposed State Plan be amended to delete the last sentence under "Responsibility of Others in Providing Rehabilitation Technology" on page 4 of 6 on Attachment 5.1(b).	Attachment 5.1(b) has been reviewed and revised to clarify VESID's responsibility for providing technology.

PUBLIC COMMENTS ON THE VOCATIONAL REHABILITATION/ SUPPORTED EMPLOYMENT STATE PLAN FOR FEDERAL FISCAL YEARS 1998, 1999 and 2000	
COMMENT	**VESID'S RESPONSE**
Loretta H. Murray, Esq. **Director** **Mill Neck Services for Deaf Adults**	
We feel that town meetings are essential to explain the VESID's Economic Need Policy. Mill Neck Services would like to work with VESID to co-sponsor such events.	Based on comments received through the State Plan hearings and other forums, the October 1, 1997 implementation date for economic need changes has been postponed. All comments will be carefully considered when final decisions are made.
Mill Neck Services further supports NYSRA's request that providers be involved with the "designing" the payment method among Consumers and VESID. It is possible that unless adequate care is utilized that this policy will have a chilling effect.	
I do feel, however, that a fairer system would be one where individuals would be charged an annual service fee. All individuals with no exceptions. With VESID's proposal I fear that it may have a disparate impact on several disability groups. Or, as your IWRP changes, and, your service needs change, do you then have to pay more/less? Are we to ask people who are currently getting services to start paying for them? Imagine the outcry this will cause - if anything, the plan should be grand-fathered.	
Mill Neck Services along with other service providers requests further clarification on the operational issues surrounding VESID's Economic Plan. Will all consumers who are similarly situated by treated the same way? Will cost of living differentials be addressed? Will the contribution be based on factors such as age and other personal factors? As currently constituted the Economic Plan seems vague on its face, and, may result in a disparate impact on some consumers resulting in grounds for discrimination suits.	

PUBLIC COMMENTS ON THE VOCATIONAL REHABILITATION/ SUPPORTED EMPLOYMENT STATE PLAN FOR FEDERAL FISCAL YEARS 1998, 1999 and 2000	
COMMENT	**VESID'S RESPONSE**
VESID's economic need proposed plan reverts to the time before the ADA was implemented, throwing the burden of communication access back on the consumer. Communication accommodations to which a person with a disability has a fundamental right, both under the ADA and the NYS Human Rights/Civil Law.	Based on comments received through the State Plan hearings and other forums, the October 1, 1997 implementation date for economic need changes has been postponed. All comments will be carefully considered when final decisions are made.
Vendors should provide VESID with an "ADA Compliance Plan," showing when and how they will provide communication access to their consumers with disabilities.	VESID lacks the authority and the resources to enforce such action. The NYS Office of Human Rights has such authority.
Vendors who can prove undue burden should provide such documentation to VESID. In such cases, VESID can shoulder some or all of the cost of accommodation.	We disagree. VESID can not accept such a responsibility on the part of service provider.
Vendors who provide VESID with an ADA Compliance Implementation Plan, but who need VESID to share the costs of such a plan over a transition period, should be able to do so under specific criteria determined by VESID and the vendor.	VESID does not have the authority or the resources for such enforcement.
VESID should make clear that providing "vendor status" depends on a vendor's ability to provide communication access, unless undue burden can be proved.	VESID requires such assurances in cases where it is known that the population to be served will require special communication access; however, we have not made such a general requirement.
VESID should provide information and assistance to consumers who seek to file ADA complaints with the Justice Department regarding a vendor's failure to provide mandates accommodation.	We assist all consumers who come to us with complaints about services from providers, including referral to the appropriate authority.
We feel that VESID's current policy to support college scholarships at market costs while, at the same time, rates for service providers have remained stagnant for the past seven years seems incongruous, especially when one is faced with the fact that the majority of placements come from non-college related services.	VESID is in agreement that rates for service providers should be increased and has requested increased State funding in past years to do so. Additional funds have not been approved to allow such increased rates; however, we will continue efforts to seek funding for this purpose.

PUBLIC COMMENTS ON THE VOCATIONAL REHABILITATION/ SUPPORTED EMPLOYMENT STATE PLAN FOR FEDERAL FISCAL YEARS 1998, 1999 and 2000	
COMMENT	**VESID'S RESPONSE**
UCP Supported Employment TBI Consumer I am now an Environmental Management Services Provider... It is because of VESID and the services that they have provided through UCP that I am able to continue to receive services and support that help me retain my position...	VESID appreciates hearing of your success.
June Roberts **Executive Director** **Don Regine** **Services Director** **Self Initiated Living Options, Inc. (SILO)** In general, SILO supports the policies and procedures presented in the Proposed State Plan...as the plan promotes consumer choice in provision of services, emphasizes community based services, initiates efforts to prevent out-of-home placements, and focuses on education, transition and employment in integrated settings.	VESID appreciates SILO's support.
[Attachment 4.11(b)] "Special emphasis is placed on the recruitment of personnel from minority communities and individuals with disabilities through the two-year and undergraduate programs." Although confusing, it appears that recruitment of persons with disabilities is being limited to support services rather than as rehabilitation counselors. We strongly recommend extending recruiting efforts to graduate programs in an effort to maximize persons with disabilities' inclusion in all aspects of the rehabilitation process.	Please note Attachment 4.11(b), page 2, the first paragraph states we are recruiting at all levels, including the graduate level.
[Economic Need policy] Such a plan must recognize individual circumstances and not impose a hardship to the consumer and/or his or her family. Families have financial obligations that take precedent over vocational rehabilitation and need to keep some of their available resources for such purposes...	Based on comments received through the State Plan hearings and other forums, the October 1, 1997 implementation date for economic need changes has been postponed. All comments will be carefully considered when final decisions are made.

PUBLIC COMMENTS ON THE VOCATIONAL REHABILITATION/ SUPPORTED EMPLOYMENT STATE PLAN FOR FEDERAL FISCAL YEARS 1998, 1999 and 2000	
COMMENT	**VESID'S RESPONSE**
Review of VESID's College Policy: Policy Changes SILO believes that services should be relevant to achieving employment. For individuals whose skills and abilities absolutely demonstrate that they would be unsuccessful in completing a chosen course of study, only then would other training be appropriate. For others, a college education cannot but help enhance their employability.	Based on comments received through the State Plan hearings and other forums, VESID will revise its recommendations for consideration by the Board of Regents for implementation in the Fall 1998 academic year.
VESID college support will not be provided to students who are primarily taking developmental course work as a prerequisite to enrollment in college credit courses. We disagree with this policy as it will prevent otherwise qualified individuals from attaining their vocational goal.	
Eligibility for transportation to college should be based on the same financial needs criteria as for other services.	VESID currently applies economic need to transportation.
SILO believes that State Vocational Rehabilitation Programs should pay all costs above whatever financial aid contributes [to college costs] even if doing so would trigger the rationing of services.	Based on comments received through the State Plan hearings and other forums, VESID will revise its recommendations for consideration by the Board of Regents for implementation in the Fall 1998 academic year.
Due Process Procedures SILO believes that this process is inequitable as fair hearings that do not support VESID's position can be overturned by VESID. We recommend that the appeal process be changed so that remedies are the same for both sides, i.e., the judgment of the hearing officer be binding on both sides.	The review authority of the State Director is integral to the appeal process as described in the Rehabilitation Act. The use of this authority has resulted in the overruling of decisions that had favored VESID as well as decisions that had favored consumers. Federal regulations require that the hearing officer's decision shall be based on the provisions of the State Plan, the Rehabilitation Act, and Federal and state regulations and policies. These are the only grounds upon which the State Director can overturn a hearing decision.

PUBLIC COMMENTS ON THE VOCATIONAL REHABILITATION/ SUPPORTED EMPLOYMENT STATE PLAN FOR FEDERAL FISCAL YEARS 1998, 1999 and 2000	
COMMENT	**VESID'S RESPONSE**
Based on consumer input, it is evident that some counselors exhibit a narrower view in assessing technology needs i.e., they make assessments on the ability to perform the minimum required functions rather than looking at the maximum potential for a device or service to enhance not only the consumer's immediate need but his or her long. range vocational goals and independent living.	Training of VESID staff, case reviews and the VESID technology task force will address these concerns.
We are also concerned about the "Responsibility of Others" provision as the Department of Justice has not yet provided regulations regarding responsibility for providing rehabilitation technology. Until such time that clear guidelines are established, SILO recommends sharing the cost which will result in the consumer receiving the needed technology in a timely manner.	Attachment 5.1(b) has been revised to clarify VESID's responsibility for providing technology.
[Attachment 5.1(c)] Until such time that the ADA is amended to include PAS as a reasonable accommodation, and/or until a national or state program is developed to provide affordable PAS, we feel VESID should provide this service just as it provides ongoing services to persons under the supported work program.	VESID's extended supported employment resources are funded by a separate New York State budget appropriation, not the federal/state vocational rehabilitation program. New York State does not currently authorize or appropriate funds to VESID for personal assistance services for persons in employment.
[Attachment 5.3] We believe...criteria should be applied to VESID staff i.e., assistance regarding choice should be limited to providing options and only "to the extent the individual with a disability requests, desires and needs such supports".	VESID staff offer assistance, when necessary, but encourage consumers to also investigate service and goal options independently.
Consumer choice and control should be paramount, especially if they are contributing financially to the program. When two programs are available that are truly equal, VESID could sponsor the least costly but the consumer must have the option of choosing the more expensive program if he or she is willing to pay the additional cost.	VESID will consider this option as the policy on consumer involvement is reviewed with the State Rehabilitation Advisory Council during the upcoming year.

PUBLIC COMMENTS ON THE VOCATIONAL REHABILITATION/ SUPPORTED EMPLOYMENT STATE PLAN FOR FEDERAL FISCAL YEARS 1998, 1999 and 2000	
COMMENT	**VESID'S RESPONSE**
[Attachment 6.7(b)] We believe all persons with disabilities should receive vocational rehabilitation services, however, we would not oppose establishing an order of selection in order to provide a full range of comprehensive services to those with most significant and significant disabilities.	VESID is currently able to provide services to all eligible persons who apply and does not anticipate having to implement an order of selection in Federal Fiscal Year 1998.
Attachment 6.12(c)(2): Services Subject to Financial Needs Test This attachment states that there is no fee for transportation during assessment, which indicates that VESID will provide free transportation to its office for this purpose. However, we have received complaints from consumers that VESID has not provided them with this service.	VESID expects that all consumers will arrange their transportation to services as independently as possible. However, if necessary, VESID will provide transportation to counseling, guidance, assessment and placement without considering economic need.
Patricia A. Caso **Director of Adult Day Services** **United Cerebral Palsy Association of Greater Suffolk, Inc. (UCP)**	
[UCP] Support[s] the redirection from remedial courses at the college level to the development of new models to improve pre-college skills of students with disabilities.	VESID appreciates your support.
Colleges should have some responsibility in job placement after college completion and guide individuals into curriculums where job opportunities exist.	VESID appreciates your support of this policy direction.
Enthusiastically support methods to expand and improve services to individuals with the most severe disabilities.	VESID appreciates your support of these efforts.

PUBLIC COMMENTS ON THE VOCATIONAL REHABILITATION/ SUPPORTED EMPLOYMENT STATE PLAN FOR FEDERAL FISCAL YEARS 1998, 1999 and 2000	
COMMENT	VESID'S RESPONSE
It is suggested if VESID is to continue to use the expertise of Community Rehabilitation Services it strongly consider requiring a national accreditation such as CARF (The Rehabilitation Accreditation Commission). This would assure minimum standards are applied equally to all Community Rehabilitation facilities in the delivery of services emphasizing consumer input and choices, and a Program Outcome system which can be used to evaluate the effectiveness and efficiency of services along with utilization.	This has been under discussion for many years within VESID and between VESID and service providers. The consensus has been that mandating CARF, or any other national standard-setting/accrediting organization, would unfairly exclude essential services from some organizations which could not meet those standards. In addition, such a mandate would create considerable costs for providers which VESID could not meet. Finally, accreditation alone does not assure ongoing quality. For example, CARF reviews its accredited agencies only every three years. VESID has also experienced substantial compliance and service-quality problems with agencies which are CARF accredited and realizes that it cannot replace its own quality assurance function with any outside organization.
United Cerebral Palsy Association of Greater Suffolk, Inc. continues to work closely with the local VESID office and welcomes VESID's willingness to redirect funds and resources toward the goal of employment for all those with disabilities who want to work.	We are pleased to note the success of your local efforts.
Consumer Life in the real world is difficult enough for people with disabilities, reducing and/or restricting the funding mechanism that is now in place is a terrible injustice.	Based on comments received through the State Plan hearings and other forums, the October 1, 1997 implementation date for economic need changes has been postponed. All comments will be carefully considered when final decisions are made.

PUBLIC COMMENTS ON THE VOCATIONAL REHABILITATION/ SUPPORTED EMPLOYMENT STATE PLAN FOR FEDERAL FISCAL YEARS 1998, 1999 and 2000	
COMMENT	**VESID'S RESPONSE**
Jessica Swirsky **Career and Employment Institute** **National Center for Disability Services**	
...the State Plan does not specifically emphasize the continuation of this partnership between VESID and service providers. At present, job development is accomplished in partnership with VESID. The State Plan emphasizes that VESID will be responsible for greater involvement with employers and job development, but it is unclear whether VESID plans to partner with existing agencies or to offer these services on their own. Non duplication and also enhancement of existing, working partnerships would be beneficial for everyone involved. Closer collaboration would avoid duplication and achieve greater efficiencies.	VESID intends to continue its partnership with both employers and service providers in order to maximize integrated employment opportunities. We will endeavor to assure that those efforts are not duplicative and have experienced considerable success in coordinating these efforts at the local level.
The State Plan refers to regional vs. statewide vs. decentralized decisions, but the term "regional" needs to be defined. Further clarification is also needed regarding the roles of regions vs. states, and their relationship with one another. It is not clear from the plan when/where the jurisdictions apply.	Statewide policy is established by the Board of Regents, which directs VESID to implement their policies consistently across the State. District Offices have some discretion to determine how services will be delivered based on the needs and resources of their area.
Post Employment Services is discussed in the Rehabilitation Act, highlighting the importance of helping people advance in their employment. However, the State Plan does not mention the need to provide services to help people enhance their careers. The Plan also appears to discount the value of vocational assessments to help people qualify for higher level training and jobs commensurate with their skills.	Recent Federal regulations clarify that post employment services, including those directed toward career advancement, are only available for short-term, uncomplicated services. VESID is developing a policy to implement the new Federal regulations with the advice of stakeholders.
We encourage and welcome the simultaneous presentation of information on economic need to the different people who will be impacted by the policy... The Town Meeting will allow VESID to hear the varying perspectives of all the parties who will be impacted, and to design a system that best meets the needs of the people VESID serves.	Based on comments received through the State Plan hearings and other forums, the October 1, 1997 implementation date for economic need changes has been postponed. All comments will be carefully considered when final decisions are made.

PUBLIC COMMENTS ON THE VOCATIONAL REHABILITATION/ SUPPORTED EMPLOYMENT STATE PLAN FOR FEDERAL FISCAL YEARS 1998, 1999 and 2000	
COMMENT	**VESID'S RESPONSE**
There needs to be clarification whether financial need is defined by the nature of the disability or solely by the person's financial situation. In designing the payment method to utilize, any fees required should be collected by VESID. Additionally, how the policy is implemented should also be the responsibility of VESID, not the service providers, including all discussions regarding a consumer's ability or inability to pay for services.	Based on comments received through the State Plan hearings and other forums, the October 1, 1997 implementation date for economic need changes has been postponed. All comments will be carefully considered when final decisions are made.
The rates for vendors should be based on actual costs, and the payment schedule should be based on the same methodology for everyone.	VESID's request for additional funding to increase service rates has not been approved.
There appears to be inconsistency among the states regarding services that would be exempt from the policy. How is it then determined in New York State that these services should be included when determining financial need? It is a long-standing RSA policy that individuals with the most severe disabilities who are placed in supported employment will require ongoing support services throughout the course of their placement. Therefore, job coaching should not be contingent on economic need. ...anything regarded as a reasonable accommodation, as defined by ADA, should not be included under economic need, such as note takers, interpreters, and the need for job coaching/supported employment services.	Based on comments received through the State Plan hearings and other forums, the October 1, 1997 implementation date for economic need changes has been postponed. All comments will be carefully considered when final decisions are made.
Sylvia Geoghegan Assistant ADA Coordinator SUNY Stony Brook I hope VESID support will continue for students who go to college...	VESID will continue to support students who go to college.

PUBLIC COMMENTS ON THE VOCATIONAL REHABILITATION/ SUPPORTED EMPLOYMENT STATE PLAN FOR FEDERAL FISCAL YEARS 1998, 1999 and 2000	
COMMENT	**VESID'S RESPONSE**
Nicholas Villani, Chair **Christine Oddo, Co-Chair** **Long Island Supported Employment Providers Assoc.** ...job coaching and supported employment are really placement services for the people with the most severe disabilities. So right now we have something that doesn't sound right because in one sense we're saying we're not going to affect job placement, but in a second sense we're saying well if you're really severely disabled and you have to depend on a job coach in a supported employment program, we are going to penalize you, we're going to charge you. I think the economic need policy unfairly discriminates against the most severely disabled individual because they are the people who need these intense services and without them they can't achieve placement. I think it overlooks that supported employment is actually a form of placement for people with severe disabilities. I think when we start asking someone to pay for a service that they can't afford, they're going to say forget it, I don't want a job coach there. Economic Need Policy: Unfairly discriminates against most severely disabled individuals who require supported employment as the service that assists in achieving placement services. Overlooks that supported employment is actually a form of placement for those individuals with the most severe disabilities.	Based on comments received through the State Plan hearings and other forums, the October 1, 1997 implementation date for economic need changes has been postponed. All comments will be carefully considered when final decisions are made.

PUBLIC COMMENTS ON THE VOCATIONAL REHABILITATION/ SUPPORTED EMPLOYMENT STATE PLAN FOR FEDERAL FISCAL YEARS 1998, 1999 and 2000	
COMMENT	**VESID'S RESPONSE**
John Volonts **Co-Director of L.I. Transition Coordination Site** **Eastern Suffolk BOCES** ...I'm referring to Attachment 6.12(c)(2)... If services are contingent upon economic need, this sets a dangerous precedent that must be carefully reviewed prior to policy implementation or we may, in fact, be denying services based on unrealistic economic criteria and policy implementation. Specific concerns include 1) how far above the Federal poverty level will VESID economic need formula be established? and in particular I'm concerned with the training services, transition services and intensive supported employment services and physical and mental restoration services. 2) will consumers shy away from even seeking services, if an economic review is required for accessing services? 3) Has a cost benefit analysis been conducted which should show a correlation between those who have not benefitted from services or have not access to services and welfare recipients? 4) Will the cost of services available be related to the fees charged to consumers? 5) What if services provided prove inadequate in meeting employment or other adult outcome goals, will the consumers be eligible for a refund?	Based on comments received through the State Plan hearings and other forums, the October 1, 1997 implementation date for economic need changes has been postponed. All comments will be carefully considered when final decisions are made.
Traumatic Brain Injury Consumer VESID funds my supported employment services which I received through my provider, the Center for the Disabled, my provider of choice. They are very sensitive and very visible in the community. I sometimes wish VESID were as visible. ...in the past five years I have seen more year to year of Rochester VESID in my local community than my local Albany VESID. I am wondering when I see him when I go to Traumatic Brain conferences where's my local people.	This will be shared with the Albany District Office.

PUBLIC COMMENTS ON THE VOCATIONAL REHABILITATION/ SUPPORTED EMPLOYMENT STATE PLAN FOR FEDERAL FISCAL YEARS 1998, 1999 and 2000	
COMMENT	**VESID'S RESPONSE**
New York City VESID Consumer	
The first thing that I want to talk about is the hearings. I think that the purpose of the scheduling and sending out the notices should be done well in advance. ...it also requires a level of understanding and a knowledge of legal and financial terminology which many of us, I am talking about clients mainly, don't have.	VESID will take steps to improve the method of notifying interested parties and to make the State Plan more understandable to the public.
...VESID's client system have positive aspects but also negative ones. We the clients have consulted and have ...our goals but we have only very limited decision power toward promoting the achievement of our goals. We have to fight too much for every service, every step, every acquaintance. Furthermore, each procedure takes a very long time.	Services must be based on their relationship with the vocational goal. Efforts are underway to streamline the VESID process including improved automation systems.
...if and when the recommendations for training and/or equipment have been done, the client should get it. Physical recommendations are done by professionals especially are controlled by VESID. Arbitrary approval of some and rejection of the others	VESID attempts to get objective assessments from independent evaluators. Sometimes these assessments recommend services or equipment that is not employment related and which VESID cannot provide.
...I think that if any consultation is being conducted regarding not providing support, recommended at least the client and the specialist should be present so as to explain why this is being done...	That may be appropriate in most circumstances and should be requested.
If a VESID counselor cannot serve that client very well because caseloads are much too large I think that guidelines must be developed to bring the caseloads down to an optimal number. I mean those of us who live in the metropolitan area of New York ....and the deaf .....all those problems for the Department in part come from case overload.	Significant efforts are being made to manage large caseloads including vendorizing more support services, better automation systems and streamlined case processing. To better provide services to persons who are deaf, filling vacant counselor positions is requested on a priority basis.

PUBLIC COMMENTS ON THE VOCATIONAL REHABILITATION/ SUPPORTED EMPLOYMENT STATE PLAN FOR FEDERAL FISCAL YEARS 1998, 1999 and 2000	
COMMENT	**VESID'S RESPONSE**
Kirk Marshall **Advocate, Client Assistance Program** **Resource Center for Independent Living (RCIL)**	
In the event that an order of selection becomes necessary, the State must first look at its own bureaucracy to determine what costs can be reduced or eliminated from its own agency (i.e., rent, travel, phone, staff, postage, training, etc.) Reductions in these areas should be made prior to any consideration to the implementation of an Order of Selection.	VESID agrees that an order of selection would be detrimental to persons with disabilities and does not intend to implement an order of selection in the upcoming Federal fiscal year. VESID will continue to take all administrative actions necessary to avoid an order of selection in the future.
All eligible SSI and SSDI consumers with severe disabilities will continue to be exempted from an Order of Selection. This is necessary due to the extra expenses that an individual with a severe disability experiences over a lifetime.	Consideration for services under an order of selection is based on the severity of a person's disability. SSI and SSDI beneficiaries would not automatically receive services if VESID had to resort to an order of selection. However, VESID does not intend to implement an order of selection in the upcoming fiscal year.
Regarding proposed attachment 6.7(b), Pg. 4 and 5 The eligible consumers that would not be eligible for full VESID funding for goods and services, could be eligible for necessary goods and services if the following State Plan is adopted and procedures are followed: (nine specific steps for reimbursing consumers retroactively were recommended)	Based on comments received through the State Plan hearings and other forums, the October 1, 1997 implementation date for economic need changes has been postponed. All comments will be carefully considered when final decisions are made.

PUBLIC COMMENTS ON THE VOCATIONAL REHABILITATION/ SUPPORTED EMPLOYMENT STATE PLAN FOR FEDERAL FISCAL YEARS 1998, 1999 and 2000	
COMMENT	**VESID'S RESPONSE**
Joseph A. Gabris **Independent Advocate** ...if there was one fundamental element of policy that should be changed concerning vocational and educational rehabilitation it would be limiting of the length of time to successfully place a client. I would limit the time to evaluate and reach a joint decision with the clients approval of a choice of career and choice or employment objective to not more than 3 months. Further, I would place a time limit on the counselor to complete the objective in the individualized written rehabilitation plan. Currently, policy exists placing a limit on developing a plan subsequent to completion of evaluation and treatment. This policy offers a loop hole for the counselor to remain ineffective and indecisive.	VESID will work with consumers and other stakeholders to develop standards to ensure the timely development and implementation of the IWRP.

Attachment 4.4: Views of the State Rehabilitation Advisory Council (SRAC) on State Policies and Administration of the State Plan

I. REAUTHORIZATION OF THE REHABILITATION ACT

SRAC Recommendations	VESID Response
Purpose and Intent	
There needs to be a stronger emphasis on the educational relationship between IDEA and the Rehabilitation Act.	Agree. VESID has proposed to incorporate language to use the existing transition components of a student's Individualized Education Plan (IEP) as the transition component of the Individualized Written Rehabilitation Program (IWRP).
A stronger public education component, on both Federal and State levels, that puts forth the intent of the Act to the States is needed.	Agree. VESID has proposed to include the development of a plan for public education as a component of each state agency's Strategic Plan.
There should be a designated focal point within each State for innovation and research.	VESID has not specifically included this recommendation, but has proposed to modify RSA's role to be a technical assistant to State vocational rehabilitation programs. One component of this assistance would be to disseminate timely research and innovations to each State which could then be shared with appropriate parties. The Act already has a component of a central Information Clearinghouse that has not provided information to States in a consistent manner. Requiring states to be a focal point for research and innovation would be duplicative.
The philosophical intent should be more consistent with lifelong education and integrated outcomes.	Agree. VESID has proposed to add lifelong education to the national goals section and strengthened language throughout the Act to emphasize integrated employment.
Add education to all appropriate areas of the Act.	Agree. VESID has proposed to add language regarding lifelong education as well as sections to the State Plan regarding cooperative efforts with both secondary and postsecondary education.

SRAC Recommendations	VESID Response
Add new section (v) "unnecessarily low expectations on the part of certain vocational rehabilitation staff, educators, and other professionals on the abilities and potential of persons with disabilities."	VESID has not incorporated this recommendation. Instead, VESID has proposed to add, as a specific content area, continuing training that would raise expectations of professionals regarding the ability and potential of persons with disabilities.
Add new section (G) referencing the "investment in economic potential of persons with disabilities."	Agree. A new section (G) has been recommended for the findings section of Title I as follows: the investment in the vocational rehabilitation program enhances the economic potential of persons with disabilities and their ability to contribute to society.
Definitions	
A new clear and consistent definition for "most severe disability" needs to be done. The term "significant disability" will then become obsolete and should be dropped from the Act.	VESID agrees and has proposed that "most severe disability" be defined as an individual who needs life long supports provided by a State agency, a nonprofit private organization, an employer or any other appropriate source to achieve or maintain an employment outcome after an individual has made the transition from vocational rehabilitation services provided by the designated State unit. VESID also has recommended that any references to "significant disability" be deleted from the Act.
The Vocational Rehabilitation State agency must define the standards which will be used to determine gainful employment as applied within the State.	A new definition has been proposed to be added to the Act: Gainful employment means an employment outcome consistent with the individual's informed choice and commensurate with the person's skills, interest and abilities that allows the individual in whole or part to: meet the costs of living and working; minimize reliance on public funding; and acquire additional knowledge, experience and skills to advance in future career opportunities.
The definition of "meaningful careers" should be clarified to be more consistent with a goal of gainful employment.	Agree. Changes have been recommended to define gainful employment and clarify the wording concerning meaningful careers.

SRAC Recommendations	VESID Response
IWRP	
It is recommended that identification of other State/local resources required to keep the individual in employment (i.e., clinical, residential, transportation, etc.) be added.	Agree with modifications. VESID has proposed to add this concept to the Scope of Services Section 103(a)(13) regarding referral services, instead of the IWRP section. VESID believes that the IWRP is already too cumbersome and further additions should be avoided.
The impact of vocational rehabilitation services and employment on public benefits must be incorporated into IWRP planning (i.e., SSDI, SSI, Public Assistance).	Agree. VESID has proposed to add a statement to the IWRP that details the impact of the vocational rehabilitation services and employment on any Federal, State or private benefits.
Address barriers to employment within the IWRP. If transportation is expected to be a barrier, it needs to be addressed within the IWRP before expenditure of Federal funds can occur. Language should be positive and emphasize that every effort will be made to address the barrier.	Agree with modifications. VESID has proposed to add this concept to the Scope of Services Section 103(a)(10) regarding transportation, instead of the IWRP section. VESID believes that the IWRP is already too cumbersome and further additions should be avoided. Also, VESID proposed to modify the Strategic Plan requirements to include statewide planning for transportation services.
To the maximum extent possible, allow an individual to independently develop a self-directed plan as a basis for the development of the IWRP.	Agree. VESID has proposed that self directed plans be used as a basis for the development of the IWRP whenever possible. To further the concept of self-direction, VESID has also proposed that states be given the option for individuals to select, arrange and manage their own services, consistent with their agreed upon IWRP.
State Plan	
Eliminate an Order of Selection as a component of the Rehabilitation Act. The State Rehabilitation Advisory Council is opposed to Order of Selection and feels that it unnecessarily restricts access to services. The State Rehabilitation Advisory Council strongly recommends adequate Federal funding, within the entire Act, to avoid an order of selection.	Agree. VESID has proposed to eliminate the Order of Selection section.

SRAC Recommendations	VESID Response
The State Plan should more clearly identify the collaboration that is needed between different systems to ensure systemic barriers to employment are addressed.	Agree. VESID is recommending that interagency requirements be expanded to include the Department of Labor and Social Security Administration to verify employment and develop closer working relationships; the Department of Health to facilitate medical benefits for persons with disabilities; and States' education departments and postsecondary educational systems to facilitate access and programs for persons with disabilities.
The State Plan must identify the strategies and approaches to assist relocation and replacement of individuals receiving services in sheltered settings who choose to move into integrated settings.	Agree. VESID has proposed to add language to the State Plan Section 101.
The State Plan must describe the steps the State will take to minimize the impact that loss of public health care benefits presents as a barrier to competitive employment and to maximize coordination of other health care coverage and resources which could be available.	Agree. VESID has recommended adding a requirement that vocational rehabilitation agencies will collaborate with the State Health Department and the State Insurance Department to establish ways of securing and maintaining benefits for persons with disabilities.
Language should be added that mandates coordination with the school-to-work system, workforce development system, welfare reform system and any other systems which are employment or transition related.	Agree. VESID has recommended adding requirements to coordinate with workforce development programs; agencies providing welfare programs; and States' Education Departments to facilitate services for students with disabilities not in special education and persons with disabilities attending post-secondary education. Additionally, VESID is recommending using existing transition components of a student's IEP as the transition components of the IWRP.

SRAC Recommendations	VESID Response
Language within the Rehabilitation Act and the IDEA should be added so that a "charge back" by the vocational rehabilitation agency to the local school district or State Education agency when the vocational rehabilitation agency was not invited to be involved in a special education student's vocational assessment and transition planning, and, therefore, later must perform assessments for eligibility determination and development of an IWRP. Funds would be required to be returned to the State Vocational rehabilitation agency for such purposes.	VESID has not included this concept. VESID has emphasized development of the transition component of the IEP by education officials, VESID staff and the person with a disability. When jointly developed, it will be used as the transition component of the IWRP. VESID will recommend similar changes to the IDEA.
Personnel Development	
Define "adequate" more clearly within the context of number of unserved consumers and/or consumers served in a timely fashion. (Page 28-7A1)	VESID has not included this recommendation. The Act already imposes significant restrictions on the types and qualifications of personnel which could result in less flexibility in hiring and maintaining diversity among State agency and providers' staff. VESID believes that each state vocational rehabilitation agency should have the flexibility to define the adequacy of its staffing, within the unique circumstances of the State. This is especially important in avoiding an order of selection through administrative means.
Add, "as appropriate, any contractors providing services for the State." (Page 28-71)	VESID has recommended eliminating the reporting requirements of the CSPD.
Change needed "by State " to needed "in State." (Page 28-7AII)	VESID has recommended eliminating the reporting requirements of the CSPD.
All NIDRR and other RSA supported training funds must be coordinated within the State.	A change in Federal law is not necessary for this to occur.

SRAC Recommendations	VESID Response
There needs to be additional clarification as to the role of the vocational rehabilitation counselor in school-to-work transition and how to ensure that parents/children have access to vocational rehabilitation counselors.	This is an excellent recommendation to be clarified in the IDEA reauthorization, since the school has control of when and where vocational rehabilitation staff interact with parents and students as part of the transition process.
State Rehabilitation Advisory Council	
Make every effort to add representation to the Council of under-represented populations (Section 105).	Agree. VESID has proposed adding representatives of traditionally under-represented populations to the Council.
Add appointing agency shall make every effort to ensure appointments and total makeup of the council is equitably representative of State composition (Section 105b).	Agree. VESID has recommended that the membership of the SRAC be changed to indicate the Council should be representative of the population of the State.
Amend Section 105 so that the Council shall have sufficient opportunity to review and comment on all proposed policies, regulations or policy directives prior to issuance as final policy.	Agree. VESID has recommended that the SRAC have sufficient opportunities to advise the State agency in a variety of areas, including policies.
The State Rehabilitation Advisory Council is "advisory" and should not sign off on the State Plan; that is the State Education Department's role.	VESID agrees. No changes to the Act are required.
Remove the words "to the extent feasible" from Section 105(c)(3) to clearly require that the State Rehabilitation Advisory Council conduct a review and analysis of the effectiveness of and consumer satisfaction with the functions of state agencies and with vocational rehabilitation services.	VESID agrees and will propose to make the change.

SRAC Recommendations	VESID Response
Other	
In order to eliminate duplications of expense and ensure cost-effective administration of vocational rehabilitation services to individuals with all types of disabilities, the State Plan for states that currently have a separate State agency for the blind must include a phased plan for merging the planning, services, funding and administration of the agency for the blind into the planning, services and administration of the general vocational rehabilitation agency, to be completed within three years.	VESID has not incorporated this recommendation. The rehabilitation community should strive to develop changes through consensus that will enhance the Act and provide more effective services for people with disabilities.
Recommend "Increase use of vouchers for goods and services where appropriately monitored, with consumers capable of informed choice and for use in integrated settings only," be added.	VESID has recommended that the IWRP section of the Act be amended to allow States the option of using vouchers. Additionally, the State Plan has been amended to require States to detail if and how vouchers will be used and detail the responsibilities of the State agency and the consumer.
Recommend "State needs to establish and define policy for consumer responsibility relating to accepting employment, programmatic and/or educational/training services," be added.	Agree. The responsibility to inform the vocational rehabilitation program when a person becomes employed after vocational rehabilitation training, as well as the responsibility to follow through on employment leads and acceptance of a mutually agreed upon employment outcome, has been proposed to be added to the IWRP.

II. STATE PLAN

Attachment 4.11(b), Comprehensive System of Personnel Development	
The SRAC has reviewed and accepts this section.	VESID acknowledges the SRAC's review and acceptance of the CSPD as proposed.

SRAC Recommendations	VESID Response
Attachment 4.12(d), Policy, State Plan and Strategic Plan Changes	
The SRAC recommends that p. 6, Policy Change #2, be amended to state: "VESID college support will be provided, on a case-by-case basis, to students who are primarily taking developmental course work as a prerequisite to enrollment in college credit courses."	Based on comments received through the State Plan hearings and other forums, VESID will revise its recommendations for consideration by the Board of Regents for implementation in the Fall 1998 academic year.
The SRAC recommends that p. 7, regarding transportation be deleted. The basis for this recommendation is that policy must mirror Title I regulations, §361.5(49). Current policy seems to do that.	VESID agrees and will not forward this policy change.
Attachment 5.1(b), Rehabilitation Technology Services	
SRAC recommends, in the Definitions section, p. 1, deleting the first sentence of the second paragraph: "Devices or services that are available under a prescription from a qualified health care professional and/or are available through Medicaid or third party medical insurance (including prosthetic and orthotic devices, wheelchairs, hearing aids, etc.) are considered restoration services, not rehabilitation technology".	VESID has deleted this sentence as recommended by the SRAC.
SRAC recommends that p. 3, #5 relating to comparable services and benefits for rehabilitation technology be deleted.	VESID has deleted this section as recommended by the SRAC.
SRAC recommends deleting the last sentence of the Responsibility of Others section: "VESID will not provide rehabilitation technology that is the responsibility of others as reasonable accommodations for individuals to fully participate in their programs, services or employment."	VESID believes that this statement is an important component of VESID's policy and is consistent with the language and intent of the Rehabilitation Act and the Americans with Disabilities Act. Therefore, VESID has not deleted the sentence as the SRAC recommended.

SRAC Recommendations	VESID Response
Attachment 5.1(c), Personal Assistance Services	
The SRAC recommends that p. 1, regarding personal assistance after employment be expanded to be consistent with Federal regulations and the phrase, "consumer directed" be appropriately added.	"Consumer directed" has been added to the service description and the language has been revised for consistency with Federal regulations.

III. POLICIES

SRAC Recommendations	VESID Response
College Policy	
The policy should be specific with regard to focus on employment as the intended outcome of college training.	VESID agrees. The pursuit of college level courses must be linked to the attainment of the vocational goal of the person's IWRP.
Amend VESID's recommendation from beginning the placement process "no later than the year before the consumer completes the postsecondary education program to "no later than two years prior".	The timeframe for when to involve the College Career Development Office in the placement process will not be included. The appropriate time to involve the Career Development Office should be determined based on the individual's needs.
Economic Need Policy	
The SRAC recommends that VESID host regional forums addressing economic need. It is suggested that case examples be provided and that a basic explanation of current policy versus proposed new policy be provided.	VESID and the New York State Rehabilitation Association will host regional Town Meetings on economic need as recommended by the SRAC.
Transition Policy	
The SRAC will send a letter to the Regents regarding transition. The letter will request their leadership in making transition a priority and in assisting school districts to appropriately provide the transition services. A positive reminder will be provided that transition is mandated by the Rehabilitation Act to be included in an individual's IWRP.	The letter was prepared and sent to the Regents. The SRAC offered to work with the Regents in developing quality standards for transition planning and services, including planning the mechanisms to assist local school districts.

IV. GENERAL

SRAC Recommendations	VESID Response
VESID must continue legislative action to enhance the life of an individual with a disability. All avenues should be explored.	Enactment of VESID's 1997 legislative agenda at both the national and State levels will improve the lives of individuals with disabilities from early childhood through adulthood, from pre-school through employment in their communities.
The State Rehabilitation Advisory Council supports VESID's efforts to obtain approval to hire counselors and sent a letter to the Governor to show that support.	VESID appreciates the SRAC's support. The Division of the Budget recently approved the hiring of 25 District Office staff for VESID.

Attachment 4.9(b): Plans, Policies and Procedures Regarding the Transition to Vocational Rehabilitation Services of Students with Disabilities

Overview

Ongoing activities ensure that appropriate transition planning and services for all secondary students with disabilities result from collaboration among the educational, vocational rehabilitation and related service systems in New York State. The systems change approach reflects grass roots participation of stakeholders in the identification of strategies and establishment of mechanisms for ongoing participation, capacity building, and innovation. The process began prior to enactment of the Individuals with Disabilities Education Act (1990) and the Rehabilitation Act Amendments of 1992, when New York State initiated statewide dialogue to address issues and solutions for ensuring a seamless transition for students with disabilities.

The policies and methods associated with transitioning emphasize:

- relating the transition process to employment, postsecondary education, and community living outcomes;
- collaborating with the youth employment preparation system; and
- forming collaborative partnerships among the educational, vocational rehabilitation and other related service delivery systems.

The driving policies to organize and deliver transition planning and services in New York State are the Regents "Policies on Linking Services for Individuals with Disabilities" and the "Joint Agreement on the Provision of Transition Services to Youth with Disabilities." The Joint Agreement was developed among VESID, the Office of Elementary, Middle, Secondary and Continuing Education (EMSC), and the New York State Department of Social Services Commission for the Blind and Visually Handicapped (CBVH). The Joint Agreement establishes the basic principles under which the State Education Department and CBVH implement the Federal requirements for transition services. In 1993, the "Blueprint for Implementation of the Recommendations of the Regents Select Committee on Disability" was approved by the Board of Regents, providing a means for coordinating transition systems within a continuum of opportunities for lifelong learning, from early developmental ages through adulthood.

Key Components of Plans, Policies and Methods

Specific elements of VESID's plans, policies and methods that relate to transitioning include:

- Coordinating Mechanisms
- Information Resource Coordination
- Transition Services Policy Framework
- Outreach to Special Populations
- Staffing and Staff Development
- Expansion of Adult Opportunities
- Interagency Initiatives

Coordinating Mechanisms

- Statewide Systems Change Grant on Transition

To assist New York State with expediting the necessary systemwide changes, a five-year, $2.5 million "Transition Systems Change" grant was obtained in October 1991 from the United States Department of Education's Office for Special Education and Rehabilitative Services. The grant, which concluded April 20, 1997, established a cooperative effort led by a team representing the special education and vocational rehabilitation programs of VESID and CBVH. Ongoing activities included training, technical assistance, needs assessment, policy development and cross-systems planning related to transition. In addition to State-level activities, eight regional Transition Coordination Sites provided technical assistance and interagency leadership to build the transition service delivery infrastructure at the local level.

Within the systems change model, seven critical components were identified and targeted as the focus for change. These included increasing student involvement, increasing family support and participation, integrating transition planning and services within the secondary education system, increasing participation by adult services, increasing transitions to postsecondary education, increasing transitions to employment, and increasing transitions to independent living. Stakeholders were identified to represent each component and statewide and regional initiatives were organized to address each one.

During 1996, the implementation of transition services in New York State focused on Phase V of the systems change process, formalizing the system, conducting assessments of key components and designing modifications to improve the quality of the system. Activities in 1996 and 1997 involved reinforcing ownership by key stakeholders so the system would become self-sustaining.

- Stakeholder Participation

Since 1990, when the first regional sessions on linking services were conducted, transition staff have continually worked through "grass roots" initiatives to develop the transition system in New York State. Statewide and regional work groups and advisory councils (e.g., The Statewide Transition Leadership Coordination Work Group, Family Focus Group, Independent Living Work Group and Bilingual Focus Group) met regularly to assist both the State and community level educational systems to develop grass-roots input for changes that are needed across the system. With the permanent establishment of regional transition advisory groups, it has been possible to streamline the functions of these separate groups and move the statewide input functions to the ongoing advisory councils. On an as needed basis, focus groups continue to be convened to perform certain remaining tasks. For example, a Statewide Work Group on School Provider Work Partnerships was added in 1996 to increase partnerships between schools and community rehabilitation programs as these enhance career preparation of in-school youth. In 1997, this Work Group conducted several training and information dissemination activities to increase the number of school-provider partnerships.

- Vocational Focus Group

The New York City Vocational Focus Group continues to coordinate planning and development initiatives in New York City. Participants include senior level managers of VESID and the New York City Board of Education. On an ongoing basis, the Vocational Focus Group has four committees that address transition planning and service delivery; postsecondary education transition; independent living for youth with disabilities; and coordination of information/data across interagency citywide systems.

Information Resource Coordination

Mechanisms are being developed to distribute information regarding transition throughout the State and to ensure that parents, students, school personnel and others have ongoing access to the necessary information about program options so they can participate effectively in transition planning. The following key initiatives are being undertaken to systemically improve the coordination of data systems and information within SED:

- Clearinghouse: The special education and vocational rehabilitation programs now coordinate dissemination activities. A Transition Clearinghouse Information Service is being developed to provide a one-stop contact point for transition service information and referral services for students, their families and community transition planners. Reference materials are being catalogued and

indexed in a central location. Information is being collected on an ongoing basis regarding service resources at State and local levels.

- Regional Transition Coordination Sites: Eight Transition Coordination Sites were set up under the systems change grant in New York State to assist local communities to implement transition planning and services. With assistance from IDEA funds, they continued to operate throughout the 1996-97 academic year. The core objectives of Site activities are to (1) coordinate existing resources within their geographical area in order to provide information, training and technical assistance to local districts, families, students and community agencies in their implementation of transition planning; and (2) assist at the local and community levels in expanding services to enhance transition of students with disabilities from school to postsecondary educational opportunities, adult vocational rehabilitation services and employment. Activities include leadership for local planning groups to sustain cross-systems planning, resource information and referral, and individual technical assistance and problem solving. Sites also assist families, community organizations, agencies and schools to develop models of practice that demonstrate good transition collaboration. In 1996, the number of people directly served was 43,052 (an increase of 17 percent), and the total number of documents or videos distributed was 62,230.

- Developing Local Agreements for Exchanging Planning Information: In relation to the quality of information exchanged, assistance is being provided to schools in identifying and providing for exchanges of relevant student information that is needed for vocational rehabilitation eligibility determination and service planning. The interagency Transition Collaborative model developed in Rochester is being replicated in other locations across the State, with assistance from VESID and CBVH staff covering regional and local areas. In New York City, a standardized referral protocol was implemented for the 1995-96 academic year to assist in facilitating referrals to the VESID offices in this unique region. In Long Island, a comprehensive consulting model was established to assist schools with planning for appropriate VESID and other interagency referrals.

Transition Services Policy Framework

In consultation with groups and additional stakeholders, a framework of transition policy and procedural guidelines is now established for school districts and VESID offices. In 1994, the State's special education and vocational rehabilitation systems, led by VESID and CBVH, promulgated policies and procedures to implement transition services. Policy training was conducted to reinforce and extend appropriate implementation. All components of the policy framework emphasize collaboration in

planning and joining systems to effect a smooth transition for all students. Referral methods emphasize making maximum use of existing information.

- Joint Agreement Between Vocational Rehabilitation and Education Services: On October 30, 1992, a Joint Agreement between VESID and EMSC on the Provision of Transition Services for Youth with Disabilities was established. This agreement is still in effect. It is designed to coordinate educational and vocational rehabilitation services to prepare each student to participate within integrated settings for employment, postsecondary education, or community living. On July 19, 1993, CBVH entered into the Joint Agreement between VESID and EMSC on the provision of transition services for students with disabilities. This addition of CBVH resulted in all students who are legally blind being covered. The basic principles established under the agreement include:

  - The provision of transition services ensures that students with disabilities are prepared for employment, postsecondary education, or community living when they leave school.

  - Local school districts have the primary planning and programmatic responsibilities for transition services for their students. School districts have the financial responsibility for transition services mandated by Federal or State laws and regulations.

  - VESID and CBVH are responsible for providing vocational rehabilitation services that are not otherwise mandated through special education or other requirements for school districts to provide services.

  - Referrals to VESID and CBVH will be made on the basis of clearly defined functional criteria and referral procedures. A system will be established to evaluate outcomes and employment success for the in-school referrals made to VESID and CBVH.

- Policy Development and Dissemination: In April 1994, VESID issued counselor policy,"Series 420 Youth In School." Section 420.00 discusses referral to VESID, and Section 421.00 describes Transition Planning and Services. These chapters emphasize using existing school records to the greatest degree possible and jointly working with schools in the planning process. VESID is seeking appropriate referrals within two years before a student exits school, and will establish an Individualized Written Rehabilitation Program (IWRP) before the student leaves school. The content of the IWRP will complement Individualized Education Program (IEP) content for special education students. Students with disabilities who are not in special education will be jointly served by linking the IWRP with the school's annual guidance review process. VESID

will provide services not duplicative of services mandated for the schools to provide, thus filling gaps and further assisting students. Policy training was conducted in all 15 District Offices, May through July 1994. To address staff turnover, new staff are informed of the transition priority through inclusion of transition topics in the ongoing orientation curriculum for new staff. Ongoing training and technical assistance activities continue to support counselors in applying the policy to their everyday practices.

- Referral Mechanism: Under the framework of the Joint Agreement, a field memorandum was issued to school districts articulating the nonduplicative referral procedure for schools to use in referring students for vocational rehabilitation. The process includes an emphasis on using selected school records as a basis for vocational rehabilitation eligibility determinations and service planning. The referral form contains a check list of preferred material and constitutes an application, if signed by the consumer. There is also a space for the district to insert its identifying code. The VESID database is now programmed to accept this code, enabling VESID to track school referrals by school district and report back on the results.

- Monitoring Mechanisms: VESID developed a monitoring protocol to enable review of actual services that are being delivered to youth. A review of a random selection of VESID transition cases was piloted in the summer of 1995 using the new protocol. Results indicated that, among cases newly referred since transition requirements were established for vocational rehabilitation's scope of services, 92 percent of the cases reflect that the vocational rehabilitation systems made maximum use of school records in determining eligibility and that in 72 percent of cases the case service plan (the IWRP) was being prepared before the student's exit from school. Based on this review, key questions were incorporated in regularly scheduled case reviews to permit ongoing collection of data. A second transition - focused case review will be conducted in 1997-98 to determine what additional improvements may be needed.

- Collaboration with Special Education: VESID vocational rehabilitation and special education staff collaborated actively in the development of "Transition Services: A Planning and Implementation Guide." This major policy handbook consolidates the best thinking to date on how school districts can effectively implement the transition planning and service processes within each district. In addition to providing information about educational requirements, the handbook contains extensive information about how VESID and CBVH fit into the process. More than 40,000 copies were distributed to all school districts and related stakeholders. To reinforce the establishment of the referral process, information was incorporated in the handbook about why and how to make

referrals to VESID. VESID and CBVH District Offices are involved with training school districts on an ongoing basis and continue to provide general and specific consultation to assist school personnel to become more proficient in planning with students for their transitions.

- Guidance Initiatives: Transition services for students with disabilities not in special education programs continue to be incorporated into the Pupil Services Plans. The pilot project in South Glens Falls provided transition services to 30 students through the Pupil Study Team (P.S.T.). A "P.S.T. Referral Form" was created to refer students with disabilities not in special education for transition services. Teachers, counselors, parents and the students are active participants in the transition process. Services for the students include counseling, evaluation and support services. Additional schools from Western New York were recruited to expand this project during the 1996-97 school year.

The VESID Phase 3 Redesign Team on Transition was convened during 1996 to review the vocational rehabilitation process for transitioning youth and recommend improvements. To overcome concerns about what vocational services VESID may sponsor for in-school youth during their last semester in school, a clarifying memorandum was issued in September 1996. The memorandum articulates the role of VESID as a connecting service to help in-school youth with disabilities move smoothly from school career preparation activities into permanent post-school employment.

Outreach to Special Populations

- Students with Disabilities Who Have Dropped Out of School: During three years of a federal grant, called Project Options, a total of 2,170 students with disabilities who dropped out of high school special education programs in New York City and Rochester were identified to receive transition services. Five hundred students participated in the project and received basic education, GED, vocational training, vocational rehabilitation counseling, independent living services, referral to community services and referral to employment.

- Individuals with Multiple Disabilities: VESID is collaborating with the Office of Mental Retardation and Developmental Disabilities (OMRDD) and CBVH to develop and enhance services for individuals who are deaf or hearing impaired with another major disability. In collaboration with CBVH and OMRDD, VESID continues to provide State-level technical assistance to support a project to identify and develop transition planning and service models in four regions of the State for persons who are both blind and deaf.

- Diversity in Postsecondary Education: College Consortia from Rochester, Buffalo, New York City and Ithaca continue to develop and implement strategies to improve outreach, planning and skills development of secondary education students with disabilities from culturally and linguistically diverse backgrounds. Through the efforts of the Consortia, college entrance materials were translated into languages other than English, information was provided regarding the support services provided on college campuses and basic requirements for successful acceptance into and successful completion of college programs were shared with school districts in the respective regions.

Staffing and Staff Development

To ensure that students with disabilities receive quality education programs, the offices of Higher Education, VESID and EMSC developed collaborative initiatives on disability-related education issues to better prepare professional staff to meet the expanding needs of students with disabilities of all ages. Collaborative initiatives will continue and include:

- Preservice Training: Ongoing collaboration among the SED offices of Higher Education and VESID annually results in coproduction of a University Leadership Institute, a training session to keep preservice educators in rehabilitation counseling and special education up to date with major policy and practice changes in their field. In 1995, efforts were directed toward bilingual special education, including transition planning and services. In 1996, planning activities began to look at additional preservice training activities for paraprofessionals, to aid them in understanding their role in the transition process. In 1997, additional training was planned regarding bilingual special education.

- In-Service Training - Transition Policies: Ongoing in-service initiatives focus on developing a cadre of individuals in VESID, schools and elsewhere in the community service system who are knowledgeable about transition planning and services under the systems changes. There is an increase in cross-systems training involving both VESID and school personnel. In 1996, regional Transition Coordination Sites trained more than 43,052 people throughout the State, with ongoing representation by VESID staff as participants or presenters in all major events. In 1997, a turn-key training program was planned to update field staff on transition planning and services, including exchanges of information about effective case practices.

- Transition Liaison Functions: To provide a support mechanism for counselors when confronted with barriers that the counselor cannot solve, senior staff in each VESID District Office are assigned to function as "transition liaisons."

These liaisons address problems with their management peers in SED Regional Field Service teams, CBVH District Offices, OMRDD District Offices and other major systems. In individual offices, the transition liaisons play a key planning role with schools and other adult service agencies in developing local interagency agreements to coordinate smooth transitions for students. The liaisons also assist with in-service training of key school personnel regarding how to link adult services effectively with school services. In each District Office, a Transition Leadership Problem Solving Team was established, involving Managers from the VESID and CBVH District Offices, the Special Education Services Regional Associate and the Educational Institution Linkages staff for the region. The purpose of these teams is to identify local barriers to implementing policies and to either provide local problem solving assistance or to forward questions about policy implementation to Central Office for resolution.

Expansion of Adult Opportunities

VESID continues to work to increase individuals with disabilities' access to, participation in and completion of adult education and vocational programs and services. Current initiatives focus on increasing participation of students with disabilities in workforce preparation, adult and continuing education, and postsecondary education in accordance with the Regents Policies on Linking Services for Individuals with Disabilities. Highlights of ongoing activities include:

- Higher Education Access Increases :

  - The statewide "Directory of Higher Education Services for College Students with Disabilities" was disseminated on disk and in hard copy to all the Guidance Counselors and libraries of the school districts across the State. The Directory was also included on a web page on the Internet. The Directory provides a listing of all the colleges and universities in the State and the types of support services they offer students with disabilities.

  - For the sixth straight year, the number of college students with disabilities enrolled in postsecondary education programs has increased. In 1996, this number is 29,224, up from 28,519 the year before. This represents a 67 percent increase in the number of students with disabilities enrolled in postsecondary education programs over six years.

- Adult Education Access Increases: Over a six year period, adult education programs reported a 57 percent increase in the number of students with

disabilities participating in their basic education and GED programs, from 6,922 in 1990 to 12,557 in 1995.

- Tech Prep Access Increases: There has been a major increase in participation of students with disabilities in Tech Prep Programs over the past three years that these data have been collected. In 1993, 161 students with disabilities participated in Tech Prep; in 1995, 1,046. This represents a 549.7 percent increase over three years.

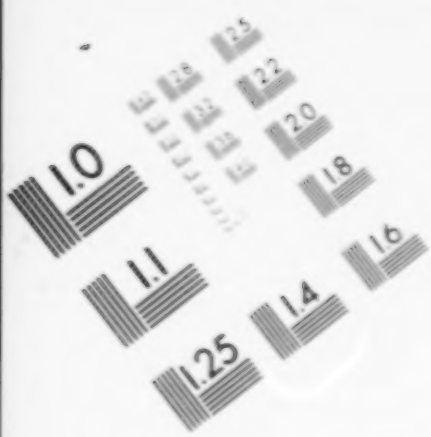
- Employment:

  - Transition Models: New models for community-based work experiences were developed and piloted in each of the Transition Coordination Site regions. The models include apprenticeship programs, school retail academies, technical preparation programs for youth, and community-based vocational curriculum. All eight regions report increased career preparation programs for secondary students. Model programs and effective practices are being documented for publication and dissemination to improve replication. In 1997, schools were provided with technical assistance to increase successful participation of students with disabilities in occupational education.

  - Supported Employment: During 1995, referrals from special education programs comprise 17 percent of the numbers of people served in the interagency supported employment model.

  - Vocational Rehabilitation Participation: Youth represent 20 percent of VESID's caseload, including successful closures. Coplanning between vocational rehabilitation and schools makes a difference. Among the most recent (1995-96) group of youth successfully employed through VESID vocational rehabilitation services, 59 percent were referred by public high schools. The youth referred through high schools earn $12/week more on their jobs than do youth referred through other sources.

  - School to Work System: VESID is represented on the statewide Advisory Council for School-to-Work Opportunities. VESID and CBVH staff are involved with the Office of Workforce Preparation and Continuing Education (OWPCE) in reviewing the Request For Proposal process used to develop new workforce preparation models and services at secondary and postsecondary levels. Input is provided regarding how the process for selecting and monitoring programs funded under the School-to-Work Opportunities program can be more available and how



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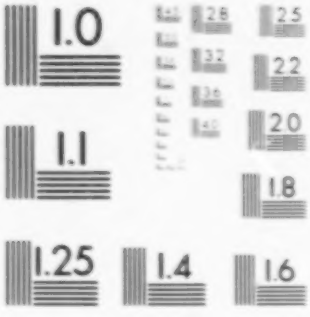

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services can be made accessible to students with disabilities. Five Transition Coordination Sites are assisting with staff development activities to assist the State's 55 local partnerships to improve their impact on secondary students with disabilities. In 1997, additional activities were undertaken to improve family awareness of school to career preparation systems for youth with disabilities. Liaison with OWPCE will remain a high priority activity in the coming years.

- Independent Living. Independent living centers (ILCs) are receiving active support to develop models for working with students on IEP planning. This level of involvement is the result of training that was conducted with independent living center staff and the development, by the ILC work group, of a position paper on the role of ILCs in working with schools and youth with disabilities. Each of the Transition Coordination Sites implemented initiatives with local ILCs. Results show that 30 of the 35 independent living centers now report being involved with schools, assisting with development of independent living and self-advocacy curricula, planning for assistive technology, and planning for use of work incentives. Persons less than 21 years of age now account for 14 percent of all new consumers being seen by independent living centers.

Interagency Initiatives

The State Education Department has formal agreements with the Office of Mental Retardation and Developmental Disabilities (OMRDD) and the Office of Mental Health (OMH) which address coordination of services for youth with disabilities. Regional initiatives are implementing these agreements.

- Twelve transition councils or consortia are funded through the special education services program for the purpose of transition planning through interagency dialogue. One example is the Transition Collaborative, consisting of school representatives, community service agencies, and adult agencies, which meets regularly to discuss and plan for transition in the Rochester region. This interagency forum for schools, adult agencies, and families discusses common implementation strategies. One product of the group is a standardized format for exchanging meaningful information between schools and adult service agencies to expedite referral and assessment processes. This activity is ongoing.

- In January 1994, OMRDD and SED jointly issued a Field Memorandum on "Enhancing Family Preservation through Coordination of Services for Children with Developmental Disabilities." Through this document, all districts were invited to work with OMRDD offices to develop options for families and children

of all ages so that out-of-home placements can be avoided through the creation of alternative services. OMRDD continues to assist with field training and technical assistance activities, and to provide periodic outreach to remind school personnel of OMRDD's readiness to assist. Schools are being reminded on a continuing basis to participate in the needs assessment process. Data from a recent Post School Indicators survey of 720 former special education students indicate that of the 44 former special education students who transitioned to day treatment or day training programs, 93 percent (n=41) were not linked with the State vocational rehabilitation (VR) agency. These former students were able to directly access their needed services without inappropriately being referred to VESID.

- The transition process for in-school youth classified with emotional disturbance remains a complex issue. In addition to the fact that all major service systems use different criteria to establish eligibility based on mental health needs, the treatment system is decentralized. These facts require community by community action to resolve the access barriers. In the Westchester area, a transition planning team, comprised of families, schools and agencies, is working to increase understanding of what services exist in the region and how they may be accessed by youth. In New York City, a pilot program is being developed between the Board of Education and the New York City Department of Mental Health, Mental Retardation and Alcoholism Services to identify the clinical and employment needs of youth classified by the school and to develop appropriate referrals and in-school assistance. These are typical of activities being carried out across the State.

Attachment 4.11(b): Procedures and Activities Regarding the Establishment and Maintenance of a Comprehensive System of Personnel Development

Input regarding recruitment and training of rehabilitation professionals has been solicited through ongoing linkages with the higher education community within New York State. Consumers, coordinators of services for college students with disabilities, faculty and administrators in preservice rehabilitation counseling and special education programs, college and university administrators, and practitioners have been involved in shaping the strategies necessary to ensure a comprehensive system of personnel development. The following is a description of ongoing activities to obtain input regarding recruitment and training:

Regents Policies on Linking Services for Individuals with Disabilities address the need for preservice and in-service training programs to be expanded to ensure that all professionals are better prepared to meet the needs of individuals with disabilities. Through ongoing implementation of these policies, State Education Department (SED) offices continue to collaborate with preservice programs to identify personnel needs, competency areas and model programs. Consumers, coordinators of services for college students with disabilities, preservice faculty and college administrators have been involved in providing input on these issues.

The City University of New York (CUNY) Consortium is a result of VESID's collaborative efforts with SED's Office of Teaching to develop a university based consortium on preservice preparation for disability-related fields. The CUNY Consortium includes all higher education sectors in New York State (city, State and private universities) and will focus on the development of career ladders for paraprofessionals in special education and rehabilitation fields.

Rehabilitation Counseling Programs at the six graduate schools that offer this degree in New York State and additional programs that prepare rehabilitation professionals at the undergraduate preservice level are working collaboratively with VESID. Continued collaboration has shaped the internship requirement for expanded field experiences in State agency offices for graduate rehabilitation students. This past year, eight students participated in internships in VESID offices. New York University has arranged for all first year graduate students to participate in a practicum program in the New York City VESID offices. In January 1997, VESID offered a paid internship opportunity for graduate students in Rehabilitation Counseling Programs.

VESID and SED will continue to obtain input through these initiatives and from regional forums. A working relationship will continue with the graduate rehabilitation counseling programs, including assistance in curriculum development, lectures to classes, training modules and field work experiences. VESID has offered to assist these programs in recruitment of students to rehabilitation counseling. This effort will be extended to other preservice programs which prepare students in other programs, including undergraduate programs, for the purposes of staffing at paraprofessional levels and establishing career ladders. To further ensure an adequate supply of qualified vocational rehabilitation professionals, the following activities have been undertaken:

Through Regents College, an undergraduate program in Rehabilitation Studies has been established. There is no other undergraduate program in New York State. The Regents College program provides access on a statewide basis. Undergraduate programs prepare personnel such as interpreters, job coaches, and counselor assistants.

Development of a system to determine the number and type of personnel employed has been completed. This system was developed through VESID's Management Information System to annually determine the number and type of personnel employed by VESID who provide vocational rehabilitation services. The data include the number of counselors, as well as related direct service providers such as interpreters, job coaches and transition personnel.

Analysis on the number and type of personnel needed is ongoing. Data are being collected to project the number of rehabilitation personnel that will be needed for local implementation, based on the number of rehabilitation personnel expected to retire. These analyses are being conducted cooperatively with SED's Offices of Higher and Professional Education and Elementary, Middle, Secondary and Continuing Education, and the CUNY Consortium.

Systems for determining information on institutions preparing rehabilitation professionals have been developed. Each year, the graduate programs in rehabilitation counseling in New York State are contacted to determine: (a) the number of current students in programs, (b) the number of students who graduate, and (c) the number of students who receive credentials to qualify as vocational rehabilitation counselors. Information collected also includes recruitment strategies and the number of students who represent cultural and linguistically diverse communities. Additional contact with the graduate programs is maintained throughout the year through students in field work, lectures, and advisory committee participation. This contact will be extended to other programs as they are identified.

The Comprehensive System of Personnel Development (CSPD) has been coordinated to ensure adequate, qualified staff in both the vocational rehabilitation and special education programs. A CSPD Advisory Committee provides guidance on personnel development under both programs. The Committee has discussed joint training for special education and rehabilitation personnel; issues related to professional certification; leadership development; improved communication; training for teachers and parents; linking preservice and in-service training; and evaluation models to determine the effectiveness of training.

The special education CSPD, established under the Individuals with Disabilities Education Act (IDEA), and the CSPD for vocational rehabilitation, established under the Rehabilitation Act Amendments of 1992, are updated annually to reflect current and projected personnel needs.

VESID and other offices of the SED share data regarding personnel development programs, program requirements, and service trends to better coordinate training and maximize resources. The CSPD serves as a planning tool for in-service training across the State.

VESID will continue to coordinate training efforts with other agencies as part of a cross-systems group. Training is provided statewide on issues important to all constituencies. Training is planned to cover specific topics concerning young adults, transition, and work incentives.

Coordination and facilitation of efforts between VESID and institutions of higher education will continue, focusing on the graduate programs in rehabilitation counseling and other preservice programs at the undergraduate and two-year levels. Professional organizations and preservice institutions are included in recruitment efforts. Special emphasis is placed on the recruitment of personnel from minority communities and individuals with disabilities through the two-year and undergraduate programs.

The system of continuing education, including rehabilitation technology, will continue for existing staff. Staff complete assessment forms on training needs and process ongoing requests for in-service training. These data are updated annually through SED and VESID's Management Information System. In addition, national and State priorities are incorporated into the training plan. From the annual assessment of staff training needs, VESID's Training Unit will develop and implement the required training.

Attachment 4.12(d): Policy, State Plan and Strategic Plan Changes; Methods to Expand and Improve Services to Individuals with the Most Severe Disabilities; Analysis of the Characteristics of Individuals Determined to Be Ineligible and the Reasons for Those Determinations

I. POLICY, STATE PLAN AND STRATEGIC PLAN CHANGES

True to its commitment to continuous improvement, VESID continues to study and evaluate the outcomes of its programs, services and practices. During the past year, major changes have occurred in VESID's vocational rehabilitation program as a result of:

A. reviewing VESID's economic need policy, and
B. reviewing VESID's college policy.

A. Review of Economic Need Policy

VESID has undertaken a fundamental review to assess the equity of its policy on economic need. Over the years, VESID's policy had evolved into a complicated series of calculations that no longer measured a consumer's true ability to contribute toward the cost of vocational rehabilitation services. The implementation of VESID's economic need policy had resulted in several issues identified through consumers' comments, impartial hearings, public forums and counselor/supervisory training and discussions. A number of major issues around questions of equity, access, fairness and consistency were highlighted through this study.

As a result of the study, VESID developed its philosophy as the basis for economic need policy (see Attachment 6.12(c)(2)). VESID realized that it must resolve the issues related to economic need within the context of its stated economic need philosophy and the reality that additional service funds will not be available. Any changes to current policy had to balance additional costs with savings in other areas so that VESID did not experience a net increase in total service costs. Because of the far reaching impact of the proposed changes, VESID has decided to continue discussions with stakeholders before implementing the proposed policy changes, postponing the previously planned October 1, 1997 implementation date.

Issue 1. Income Threshold: VESID's family living threshold levels had not been adjusted since 1991, while inflation and service costs increased each year. As a result, the family living thresholds were so low that they no longer covered the realistic, basic living requirements of many families.

Proposed Policy Change: Family living thresholds would be increased by the cumulative increase in the Consumer Price Index since 1991 (8.83%).

Issue 2. Services Contingent on Need: Some services are contingent on economic need; others are not.
Proposed Policy Change: VESID would apply economic need to all services, except those that are federally exempt (see Attachment 6.12(c)(2)).

Issue 3. Individuals Exempt from Means Test: VESID automatically exempted certain groups of individuals. Social Security Disability Insurance (SSDI) beneficiaries were automatically exempt although they may have substantial resources to contribute to the cost of vocational rehabilitation services. Supplemental Security Income (SSI) recipients with disabilities over the age 18 are considered a family of one by Social Security. However, VESID policy, along with most other need based systems such as TAP, considers individuals dependent on their family's income until the age of 22.
Proposed Policy change: Automatic exemptions for all SSDI beneficiaries and for SSI recipients younger than 22 would be eliminated.

Issue 4. Consumers' Contribution: Consumers were expected to contribute 100% of their available resources.
Proposed Policy Change: A sliding scale to determine what portion of total family resources should be contributed to the cost of vocational rehabilitation services would be implemented.

B. Review of VESID's College Policy

Throughout the past Federal fiscal year, VESID has continued to study its sponsorship of college training costs. Between February and May 1996, regional sessions were held in Western New York, Rochester, Syracuse, Utica, the Southern Tier, Westchester, Ulster County, Long Island, Albany, and New York City to discuss major issues. Additional meetings were conducted with individuals and organizations representing the public and independent sectors in higher education. Across the State, 216 representatives from colleges and universities provided comment and recommendations in four key areas:

- balancing consumer choice with cost effectiveness;
- the significant difference in VESID's tuition costs for students at public and private colleges and universities;
- linking college services to a specific goal; and
- providing Auxiliary Aids and Services.

Statewide Trends and Issues

In October 1990, the Board of Regents adopted ten policies for linking services for individuals with disabilities as a way to systemically improve educational services for individuals with disabilities in New York State. Since that time, regional and statewide initiatives were implemented within the Education Department to improve the access to, participation in and completion of postsecondary education programs by students with disabilities. These efforts continue under the strategic focus of the Education Department to improve educational services and results for all students.

In 1995-96, 12,593 college students with disabilities were provided services through VESID. This compares to 12,792 in 1994-95, a decrease of 199 consumers. At the same time, however, there has been an increase in access to the adult and higher education systems, and improved linkages between secondary and postsecondary education via the Tech Prep programs. The following information describes these increases:

- Higher Education. During the academic year 1995-96, 28,519 students reported having a disability out of a total enrollment of 1,017,602 students. Over a six year period, this represents a 67 percent increase in the number of students with disabilities enrolled in postsecondary education programs. (NOTE: This is self disclosed disability information.)

- Adult and Continuing Education. During the program year 1995-96, 12,557 adults with disabilities participated in basic education/GED courses out of a total enrollment of 198,783. Over a six year period, this represents a 57 percent increase in participation by adults with disabilities. (NOTE: This is self disclosed disability information.)

- Tech Prep. During the program year 1995-96, 1,046 students with disabilities participated in Tech Prep programs out of a total of 20,509 students. Over the three year period during which Tech Prep programs included data on students with disabilities, this represents a 550 percent increase in the number of students with disabilities.

Procedural and Implementation Issues

During the regional information sessions held across the State, many procedural and implementation issues were presented to VESID for consideration.

The most common "theme" raised by representatives of colleges and universities regarding consumer choice and cost effectiveness was that VESID needs to look at both cost and effectiveness. Representatives from each of the 12 regional

sessions recommended that VESID sponsor consumers attending college only at those institutions that have proven track records of providing appropriate and timely services for college students with disabilities. It was further suggested that VESID consider the results (graduation and employment) of college and university programs. They recommend that if sponsorship at a particular institution of higher education costs more, but the college has a high graduation rate for students with disabilities, VESID should sponsor the student at that college or university.

There was comment from every regional session that VESID needs to continue to give consideration to the older adult student or recently injured worker who is returning to college for retraining, or attending for the first time, in order to pursue a new career. These students may need remedial courses and should have them included as part of their college course of study, provided they are also taking courses for credit that apply toward a degree.

Representatives from the college offices of disability services indicated that as many as one third of all students, not just students with disabilities, are coming to college unable to matriculate because they do not possess the minimal competency skills to be successful in college. VESID and the colleges are allocating substantial time and resources to pay for and provide extensive developmental course work for students with disabilities.

The provision of support services for college students with disabilities and whose responsibility it is to provide these services was a major concern expressed by field participants. It was stated that the issue cannot be addressed unilaterally. College representatives urged the State Education Department to collaborate with colleges and universities to identify and secure more sources of funding from the private sector to aid in the cost of educating and providing support services for college students with disabilities.

The need for coordination between the vocational rehabilitation system and the academic advisement process when developing objectives and goals for consumers who attend postsecondary education was also raised during regional sessions. A VESID pilot project in Malone uses a coordinated approach involving VESID consumers and representatives of colleges and universities for college planning. The project has the VESID counselor, business manager and senior counselor meet on a particular campus with all of the consumers attending that campus, to address all college planning needs. This has resulted in 99 percent of the paper work being completed before the consumer starts classes, expedited referrals and financial aid packaging by linking immediately with campus based personnel and resolving all college planning issues as they arise by having direct access to campus based staff.

Policy Changes

VESID had proposed significant changes to college policy based on the study. These changes related to strengthening the relationship between college training and the vocational goal; VESID support for developmental course work; the provision of support services including transportation; coordination of services between the vocational rehabilitation counselor and college support staff; and achievement of employment after completion of the college course of study. VESID's proposed changes will be revised based on all of the input received to date and will be presented to the Board of Regents for implementation in the Fall 1998 semester. In addition, other strategies to improve access to college for students with disabilities will be coordinated between VESID, other parts of the State Education Department, the New York State Financial Aid Administrators Association and organizations representing colleges, universities and other postsecondary programs.

II. METHODS TO EXPAND AND IMPROVE SERVICES TO INDIVIDUALS WITH THE MOST SEVERE DISABILITIES

VESID has undertaken program initiatives in two major areas to better serve individuals with the most severe disabilities:

A. Planning with Other State Agencies to Improve Services for Individuals with the Most Severe Disabilities

B. Innovative Programs for Persons Who are Hard to Place

A. Planning with Other State Agencies to Improve Services for Individuals with the Most Severe Disabilities

Coordination and planning with other State agencies is a critical function in improving access to appropriate vocational training and employment opportunities, particularly for individuals with the most severe disabilities who often have multiple needs requiring the intervention of more than one State agency. Approximately 25 percent of the individuals referred to VESID for services are referred by other State and Federal agencies. The majority of these individuals have severe and/or multiple disabilities. VESID has undertaken planning activities to coordinate the provision of services to these individuals. These activities focus on identifying major responsibilities, issues, expectations and implications for VESID and other agencies serving persons with severe disabilities.

As VESID continues to strive towards increasing employment opportunities for people with severe disabilities, it has become very clear that this is a task it cannot perform alone. Meeting the support needs of people with disabilities, such as

transportation, medical care, housing, case management, family supports, and work incentives, is essential for many individuals to be able to maintain their employment.

For integrated employment opportunities to be available in any significant number, these essential support services must be fully coordinated. Emphasis on interagency cooperation and coordination in service delivery has been incorporated as a driving force within the Rehabilitation Act Amendments of 1992 and Chapter 515 of the Laws of 1992 (Integrated Employment legislation). This interagency collaboration occurs at both the State and local levels through coordinated planning and service delivery initiatives, as well as through the implementation of formal Memoranda of Agreement. Examples of interagency collaboration are noted below.

Office of Mental Retardation and Developmental Disabilities (OMRDD)

OMRDD is the State agency responsible for providing a full continuum of services for individuals with developmental disabilities, such as autism, cerebral palsy, epilepsy, mental retardation, spina bifida, Tourette syndrome, narcolepsy and traumatic brain injury which occurred before the age of 22. In this role, OMRDD assures the planning and development of community-based services and programs for the care, treatment, rehabilitation, education and training of individuals with developmental disabilities. OMRDD places an emphasis on family preservation, innovative work-oriented adult programs and direct involvement with VESID in the areas of sheltered employment and supported employment. The following activities highlight areas of collaboration with OMRDD:

- OMRDD and VESID signed a Memorandum of Understanding (MOU) to promote the enhancement of integrated employment for people with developmental disabilities. This will be accomplished through the implementation of local agreements that will establish sharing of resources, personnel, information, space, etc., based on local priorities and needs related to employment. Several strategic areas for coordination highlighted in the MOU include:

  a) joint economic development activity, including possible involvement of OMRDD with Regional Employment Alliances, job development, placement, coaching and development of the Individualized Written Rehabilitation Program (IWRP);

  b) increasing staff dedicated to employment services utilizing OMRDD staff where available and appropriate in marketing, job development, placement, coaching and development of the IWRP; and

c) developing business and industry incentives, including funding subsidies and provision of technical assistance for reasonable accommodations.

- VESID has been collaborating with OMRDD on a number of initiatives targeted to increase the availability of community-based service options. These initiatives support OMRDD's Community Services Expansion Plan (CSEP) and include the following:

  - local coordination of Home and Community-Based Services waiver for employment related supports;

  - coordination of transportation grants awarded by OMRDD;

  - collaboration with the downsizing of long-term sheltered employment services through VESID redirection and OMRDD Day Habilitation services;

  - cooperative planning in the closing of OMRDD State-operated workshops and the creation of alternative community capacity; and

  - coordination in the planning and allocation of supported employment services.

Office of Mental Health (OMH)

New York State's OMH is responsible for providing programs and services to individuals with mental illness in New York State, including research, support, care, treatment, rehabilitation, education and training. OMH operates psychiatric hospitals and administers a wide range of community-based treatment and support programs and services in cooperation with local governments and community organizations and agencies. OMH provides many psychiatric rehabilitation programs that are similar in nature to VESID's programs and emphasize family support and prevention when working with children and adolescents with emotional disabilities.

VESID and OMH are working together to coordinate services for individuals with psychiatric disabilities in the following areas:

- An interagency service reporting system to compare OMH data and VESID general population data on a quarterly basis is being developed. This information will enable agencies to monitor the progress being made

between the systems by comparing the number of individuals accessing and completing services and achieving integrated employment.

- A planning, budgeting and allocation process for supported employment extended services is under way.

- A fully integrated mental health/VESID data system to monitor all individuals in supported employment is being developed.

- Intensive work in two VESID District Offices to implement the Memorandum of Understanding on Access and Referral, link services integration projects and implement training for OMH, Office of Alcoholism and Substance Abuse Services (OASAS) and VESID staff on the particular problems of persons who are mentally ill and abuse chemicals is under way. This initiative will also identify individuals within OMH, VESID and community-based, county mental health programs to serve as liaisons to develop joint initiatives to improve services to individuals who are mentally ill and abuse chemicals.

- VESID is working with OMH and Rockefeller College at the State University of New York at Albany (SUNYA) to promote the integration and coordination of treatment and vocational rehabilitation for persons with severe mental illness. This intervention is being implemented in four counties of the State. Work groups comprised of consumers, major providers of services and policy makers in local mental health and vocational rehabilitation have been established. Work groups are currently working on issues such as consumer needs assessments, Directory of Resources, coordinating a referral process, cross systems training and models for modifying service delivery. The goal is to have these groups continue to improve services integration and to increase the number of integrated employment outcomes.

- Using funds available through OMH for employment programs, VESID and OMH will review whether psychiatric center resources can be used effectively to link consumers to both local service vendors and VESID. A local screening group, centered in an intensive psychiatric rehabilitation treatment program, will be convened to screen individuals for participation in vocational rehabilitation services. This pilot program will be monitored, and the results will be shared across New York State to assist in the future development of similar types of initiatives.

- SED, OMH, OASAS, the Department of Social Services (DSS), Division for Youth, Council on Children and Families and the Division of Probation

and Correctional Alternatives have developed interagency demonstration projects which will allow more economic flexibility to prevent out-of-home placements of children and adolescents with emotional disabilities. This initiative will assist localities to coordinate existing programs and provide the support system that individual children and families need in order to remain at home, in the community and in school. This project provides a mechanism for local and State administrators to identify and review existing barriers to interagency collaboration and to make the policy changes that are necessary to develop a collaborative children's service delivery system.

Developmental Disabilities Planning Council (DDPC)

- During this past year, VESID strengthened its collaboration with the DDPC through liaison responsibilities with all three DDPC action committees (Children's Services, Adult Services, Systems Coordination).

- The DDPC continues to enhance its role as a systems catalyst through its support of such initiatives as CHOICE, affirmative business pilots, strategic planning for downsizing long-term sheltered employment, and support for VESID's regional economic development planning in collaboration with the Department of Labor, Department of Economic Development and the Commission for the Blind and Visually Handicapped.

- The DDPC has developed several new initiatives in collaboration with VESID, including the funding of regional Placement Partnerships intended to pilot collaboration and planning among service providers in the delivery of job development and placement services. A collaborative placement project was established with Pyramid Management Corp., the Job Placement Consortium of the Northeast (JPC), VESID, and the DDPC at Crossgates Mall to establish a service center for assisting individuals with disabilities and employers.

- An additional initiative includes the funding of a VESID telecommunications technology pilot intended to promote access to services through an office without walls approach to service delivery. Four VESID District Offices and 10 VESID counselors are participating in this initiative which is intended to promote more efficient service delivery and increase consumer and staff satisfaction.

Office of Alcoholism and Substance Abuse Services (OASAS)

- A project was developed with OASAS to provide vocational training for individuals residing in upstate OASAS therapeutic communities who will eventually return to New York City. Word processing, nursing assistant and food service training were provided in a community-based setting through Sullivan County Board of Cooperative Educational Services (BOCES) and Sullivan County Community College. As a result of the two phases of this project, 83 individuals were accepted into the three training programs and 60 were rehabilitated, resulting in a rehabilitation rate of 72 percent. A determination has been made to expand this program to other OASAS therapeutic communities.

- VESID and OASAS collaborated on the development of a Federal grant to provide alcohol and substance abuse intervention services to consumers served by the Hempstead and Utica VESID District Offices. This project placed a trained substance abuse counselor in the VESID District Offices to assist VESID counselors and consumers in addressing substance abuse issues. A number of VESID consumers are currently accessing these services.

- VESID, OASAS, and DSS have developed a protocol for providing treatment and vocational rehabilitation services to individuals disabled by substance abuse and alcohol. This protocol establishes a timeframe during which treatment and vocational rehabilitation services can be provided and requires participation in a DSS work experience program. It will enable VESID to provide short term training for the group to achieve an integrated employment outcome which results in the individual leaving the public assistance caseload. VESID and OASAS are working on initiatives to assure that individuals make a smooth transition from treatment to vocational rehabilitation services during the timelines currently allowed.

- VESID and OASAS continue to implement an MOU developed in early 1991. Implementation of this MOU has led to significant increases in the number of people with alcoholism and substance abuse disabilities receiving services, becoming employed and leaving public assistance.

Department of Social Services (DSS)

- VESID will be working with the DSS to ensure that individuals who are participating in public assistance are able to access the benefits of vocational rehabilitation programs to assist them in achieving vocational

outcomes. As mentioned above, drug and alcohol protocols have been developed by OASAS, DSS and VESID. VESID staff participated in the training that was provided to all local Social Services districts on the implementation of this protocol. VESID, OASAS and DSS will be providing technical assistance to assist in the implementation of these protocol at the local level.

Department of Correctional Services (DOCS)/Division of Parole (DOP)

- VESID continues to work with DOCS and DOP to develop a pilot project to serve individuals disabled as a results of deafness and hearing impairments returning from correctional facilities to the community. The agencies have determined the discharge planning process of DOP, the eligibility and plan process of VESID and the pre-release process of DOCS can be coordinated. Initial training has been held for the correctional facility staff, DOP staff and VESID. The goal is to identify a planning process that can work for individuals with disabilities being released from DOCS facilities.

Department of Health (DOH)

- VESID continues to work cooperatively with the New York State DOH. DOH was successful in getting a Home and Community-Based Waiver approved by the Federal Health Care Financing Agency and has implemented waiver service for over 225 individuals in New York State. VESID will be cooperatively working with DOH, OMRDD and the community-based providers funded under the Medicaid Waiver to develop an array of services for individuals with acquired brain injury. This waiver will assist the participants to develop necessary skills to live independently in the community and to participate in integrated employment. In addition, the DDPC has funded housing support programs intended to facilitate repatriation of individuals to New York State and their home communities.

Federal Department of Veterans' Affairs/State Division of Veterans' Affairs

VESID continues to work with both of these agencies to enhance placement opportunities for VESID consumers with service connected disabilities as well as to explore potential opportunities to demonstrate how these programs can cooperatively expand and improve services to mutual consumers.

- VESID maintains an ongoing liaison with the Federal Department of Veterans' Affairs Vocational Rehabilitation program to assure that

veterans with service connected disabilities are able to access appropriate services from both agencies.

- VESID continues to work with the State Division of Veterans' Affairs and is participating on an advisory council developed by the State Division of Employment and Training Officers in a number of State agencies to coordinate the provision of services to disabled veterans.

B. Innovative Programs for Persons Who are Hard to Place

VESID, in partnership with the New York State Rehabilitation Association investigated the effectiveness of services to persons who are hard to place. The investigation discovered that:

- In SFY 1995-96, over 1,500 persons did not reach employment through the vocational rehabilitation system because of the severity of their disability.

- Based on a 1996 survey of 20 provider agencies, at least an additional 1,200 people who meet the definition of "hard-to-place" could have benefitted from vocational rehabilitation services but were not referred. The primary barriers identified by respondents to referral were:

  - already served by VESID;
  - transportation to employment; and
  - financial disincentives.

- 79.2% of people funded by VESID in the 20 surveyed agencies were categorized as "hard-to-place."

Persons who are hard to place are defined as individuals who:

- have intense supervision and support needs due to severe cognitive, physical or behavioral characteristics;

- are perceived by employers as high employment risks; and

- are perceived by employers, service providers and VESID as having too many barriers to employment to be placed in integrated or supported employment.

In order to better serve persons who are hard to place, VESID awarded contracts for the provision of services leading to integrated employment for people

with severe disabilities who meet the definition of hard to place. Successful applicants addressed, through innovative and creative methods, the removal or successful management of barriers that prevent these individuals from having successful employment outcomes.

VESID allocated $300,000 for the purposes of this request for proposal (RFP). Resources will be allocated for a 15-month period beginning with VESID's contract cycle effective July 1, 1997. There is no guarantee of funds beyond this period and continued support would be based upon performance achieved and resource availability.

As the intent of this RFP is to identify best practices, successful applicants will be expected to share information, methods and other relevant data throughout the grant period and to provide such data and narrative reports as may be reasonably required by VESID in order to permit VESID's evaluation of program outcomes.

III. ANALYSIS OF THE CHARACTERISTICS OF INDIVIDUALS DETERMINED TO BE INELIGIBLE AND THE REASONS FOR THOSE DETERMINATIONS

In the last fiscal year, 47,932 persons applied for vocational rehabilitation services from VESID. A total of 15,537 individuals who applied for services had their cases closed for a variety of reasons without receiving services. These reasons are represented in the following chart.

REASONS FOR CLOSURE

Reason	#	%
Unable to Locate	2,412	15.5
Handicap Too Severe	466	3.0
Refused Services	9,342	60.1
Death	52	0.3
Client Institutionalized	84	0.5
Transferred	496	3.2
Failure to Cooperate	730	4.7
No Disabling Condition	482	3.1
No Vocational Handicap	513	3.3
Transportation	18	0.1
Other	942	6.1
TOTAL	15,537	99.9

The chart shows that 1,461 persons were determined ineligible for services because their disability was too severe, there was no disabling condition or there was no vocational limitation. Each of these three categories represent about one third of the 1,461 closures. Of those individuals who were found ineligible, almost 50 percent were either self-referrals or referrals from other individuals including doctors or therapists. The next largest referral sources were public agencies (18.3%) and educational institutions (12.7%). While 45 percent of the individuals did not have or did not report a disability, over 17 percent of the individuals determined ineligible had orthopedic disabilities, followed by persons with alcohol and substance abuse (10.3%), learning disabilities (7.8%) and mental illness (7.5%).

Attachment 4.15: Due Process Procedures

DESCRIPTION

Any individual applying for or receiving VESID services who is dissatisfied with a decision made by VESID staff may seek and receive a timely review of that decision. The individual must request a review no later than 90 days after being informed of the action or decision to be reviewed, unless he or she can show good cause why the review request was made after 90 days. The objective is to reach a mutually agreeable solution, as quickly as possible, preferably before a formal impartial hearing. Individuals are encouraged to use the optional informal review process, when appropriate, but must always be aware that a more formal impartial review is available. The individual may access his or her records, as allowed under VESID's regulations concerning confidentiality.

NOTICE OF REVIEW PROCESS

VESID will provide every applicant for service information about his/her rights, the process for initiating a review and the availability of assistance from the Client Assistance Program. This information must also be available and readily visible in a convenient location in each District Office. Individuals will be informed of their rights during the initial meeting with VESID staff and at any time of potential impasse during the rehabilitation process. A statement of these rights will be included on the application, the individual's IWRP and the notification of case closure.

REVIEW PROCESS

A. Initial Review Conference

An initial review conference with the senior counselor or other supervisory staff may resolve problems quickly and informally without an administrative review or impartial hearing. A person may request an initial review conference verbally or in writing. If the request is made in writing, it must also be treated as a request for an impartial hearing, and the timeframes and requirements for an administrative review and impartial hearing begin.

The individual should describe what he or she is appealing, what happened, when it happened, the people involved and what the individual wants VESID to do to remedy the situation. The senior counselor or other supervisory staff should explore why the individual is dissatisfied, explain the reasons for the contested action or decision, and resolve the problem in a mutually satisfactory way, if possible. The individual should be encouraged to participate and be completely involved in these discussions.

After the discussion is completed, the senior counselor or other supervisory staff must immediately inform the consumer of the decision and, especially if the decision is not in the individual's favor, should describe again the administrative review and impartial hearing process. The senior counselor should then document the conference in a casenote.

B. Administrative Review

An individual may request an administrative review by the District Office manager, Regional Coordinator, or other member of staff designated by the manager, on the basis of an impasse or following an informal review. To the extent possible, the reviewer should not have been involved in the decisions or actions that resulted in the administrative review. The request for administrative review must be made in writing. This written request also begins the impartial hearing process.

The administrative review must be scheduled at a convenient time and place which is accessible and allows the individual to participate fully in the review. The review must be conducted within 15 days of receipt of the written request. The District Office manager may decline to schedule an administrative review and go directly to an impartial hearing if the issue will not be resolved at the District Office level (e.g., if the individual wants major maintenance support above the maximum allowed by the Commissioner's Regulations).

The review may include the individual and a representative if the individual desires, the counselor and other appropriate staff.

Within five days of completing the review, the manager will issue a comprehensive, written decision that clearly states:

- all relevant facts presented at the review,
- references to appropriate law and policy,
- conclusions and the basis on which they are made, and
- actions VESID will take to implement the decision.

The individual must inform VESID if he or she accepts the administrative review decision within 15 days of receiving the decision. If the individual agrees with the decision and withdraws the request for an impartial hearing in writing, the decision is final and VESID will begin to implement the administrative review decision within 20 days. If the decision is adverse to the

individual, the written decision will reiterate the individual's right to an impartial hearing, which will continue as scheduled unless the consumer requests otherwise in writing.

C. **Impartial Hearing**

An impartial hearing is a formal review, and is the highest level of review within VESID that may be initiated by a consumer. No earlier review is required before proceeding to an impartial hearing.

1. Selection of the Impartial Hearing Officer

An impartial hearing is conducted by a hearing officer who has been trained and approved by VESID and who:

- is not an employee of VESID or any other public agency (other than as an administrative law judge, hearing examiner, or employee of an institution of higher education);
- is not a member of VESID's State Rehabilitation Advisory Council;
- has not been involved in previous decisions about the vocational rehabilitation of the individual;
- has knowledge of the delivery of vocational rehabilitation services, the State Plan and Federal and State laws, regulations and policies about providing services;
- has received appropriate training about the duties of a hearing officer;
- has no personal or financial interest that would conflict with his or her objectivity;
- is currently not employed by a vocational program doing business with VESID; and
- was not employed by either VESID or the Client Assistance Program within the last six years.

Impartial hearing officers are assigned by the Deputy Commissioner or his/her designee to hearings on a random basis within the geographic area they serve. The pool of qualified persons is jointly identified by VESID and members of the State Rehabilitation Advisory Council. The individual may challenge the

assignment of a particular person as the hearing officer in the review if he or she believes that the hearing officer:

a. does not meet the qualifications;

b. will not be objective; or

c. has prior knowledge of or experience in working with the individual or program agency.

An individual who wishes to challenge the appointment of a hearing officer on these grounds should submit the objection with written evidence to support the allegation in writing to the Deputy Commissioner as soon as possible before the hearing.

2. Conduct of the Hearing

An impartial hearing is a quasi-judicial proceeding conducted under the State Administrative Procedures Act. The impartial hearing must be scheduled to occur within 45 days of receipt of the written request. The individual must be notified of the hearing no later than 14 days before the hearing.

The duties and powers of the impartial hearing officer include:

- defining the issue,
- receiving and considering all relevant and reliable evidence,
- ensuring an orderly presentation of the evidence and issues,
- overseeing the preparation of the record, and
- reaching a fair, independent and impartial decision based solely on the issues and evidence presented at the hearing, consistent with relevant laws, regulations and good rehabilitation practice.

The hearing officer's decision must be issued no later than 21 days after the completion of the hearing, which is defined as the receipt of the hearing transcript by the hearing officer. The hearing officer will send copies of the decision to the Deputy Commissioner, the individual who requested the hearing and any representative who appeared at the hearing on the individual's behalf, as well as to the District Office manager. The decision will be a comprehensive written statement which fully describes:

- the issues raised at the hearing,
- the hearing officer's findings and the evidence presented at the hearing which supports these findings,

- all pertinent laws, regulations and policies,
- the conclusions of the hearing officer and the bases upon which they are drawn, and
- specific actions to be taken to implement the hearing officer's decision.

The hearing officer's decision is final and the District Office must begin to implement it within 20 days, unless the Deputy Commissioner decides to review the decision.

D. **Deputy Commissioner's Review of an Impartial Hearing Decision**

The Deputy Commissioner may modify or overturn a decision if there is clear and convincing evidence that the decision is clearly erroneous because it is contrary to Federal or State law, regulations or policy.

Within 20 days of the postmark date of the hearing officer's decision to the individual with a disability, the Deputy Commissioner will send a written notice of intent either to review or not review the decision to the individual, his or her representative and the District Office.

If the Deputy Commissioner intends to review the decision, the notice will inform the individual that he or she has 15 days to submit any additional evidence and information for the Deputy Commissioner's consideration. The Deputy Commissioner must make a final decision within 30 days of informing the individual that the hearing officer's decision will be reviewed. The Deputy Commissioner may not delegate responsibility for making a final decision. The Deputy Commissioner will send the written decision to the individual, any authorized representative and the District Office, and include a full report of the findings and the grounds for his/her decision. If the Deputy Commissioner's final decision is adverse to the individual, it will state that all levels of review within VESID have been exhausted and that the individual may pursue legal remedies through the courts.

The Deputy Commissioner's decision is final, and the District Office will begin to implement it within 20 days. This is the final review available within the State Education Department. A consumer may pursue action through the judicial system.

E. Time Limitations

Time periods for all parts of the review process are computed as calendar days from the first day following the day on which the action takes place. Time periods can be extended for good cause with the agreement of all parties, except that the Deputy Commissioner's notice of intent to review a hearing decision cannot be extended beyond the 20 day limit. All requests for extensions must be made in writing.

ASSISTANCE TO CONSUMERS

An interpreter fluent in the consumer's dominant language or skilled in communicating with persons who use special modes of communication will be provided when necessary during any step of the process. Transportation necessary for a consumer to attend a review or impartial hearing will be provided by VESID only within New York State. VESID will not reimburse lodging or other incidental expenses for a consumer to attend a review or hearing.

CONSUMER REPRESENTATION DURING THE REVIEW PROCESS

A. All individuals requesting a review will be notified in writing that they have the right to be accompanied and represented by an authorized representative, such as legal counsel, lay advocate, relative or other spokesperson. They will also be informed in writing about the availability of the Client Assistance Program. All expenses of such representation, including legal fees, are the responsibility of the consumer.

B. If a consumer elects to be represented by another individual at any time during a review or hearing, the consumer must inform the District Office in writing. The consumer may withdraw authorization for that representative at any time by informing VESID staff in writing.

TERMINATION OF THE REVIEW PROCESS BEFORE ITS COMPLETION

The parties to a review may resolve their disagreement prior to the completion of the review. In order to withdraw a request for a review, the consumer or representative must notify the District Office in writing. The District Office should respond with a letter describing the resolution of the case. Except at a consumer's request, a review must not be delayed or canceled because of the possibility of a negotiated agreement.

DEFAULT

Failure of the consumer and/or the consumer's representative to appear at a scheduled review or impartial hearing is considered a waiver of the right to a review, unless the consumer promptly provides the reviewer or hearing officer a good reason for not appearing. The reviewer or hearing officer will decide if the reason offered is good cause for missing the review or hearing.

STATUS QUO

Pending the final determination of a hearing (unless the consumer so requests), VESID will not suspend, reduce or terminate services being provided under an IWRP unless such services have been obtained through misrepresentation, fraud, collusion, or criminal conduct.

Attachment 5.1(b): Rehabilitation Technology Services

Rehabilitation technology is an individualized service which can assist individuals with disabilities overcome barriers to full participation in education, rehabilitation, employment, transportation, independent living, and recreation. VESID will only support rehabilitation technology that is necessary to determine an individual's eligibility and vocational rehabilitation needs and to achieve the individual's vocational objectives and goals.

An individual's need for rehabilitation technology should be considered at all stages of the vocational rehabilitation process. When determining an individual's eligibility and vocational rehabilitation needs, rehabilitation technology will be provided if necessary to assess and develop an individual's capacity to perform in a work environment. Before an individual is determined ineligible because he or she cannot benefit from services, rehabilitation technology must be considered. Once an individual has entered extended evaluation or been determined eligible, rehabilitation technology must also be considered when planning the IWRP and choosing a vocational goal. When appropriate, the IWRP will include a statement of the specific rehabilitation technology services necessary to achieve the intermediate rehabilitation objectives and long-term rehabilitation goals.

Definitions

Rehabilitation technology means the systematic application of technologies, engineering methodologies, or scientific principles to meet the functional needs of persons with disabilities. This includes rehabilitation engineering as well as assistive technology devices and services. Rehabilitation technology includes only those devices or services required to overcome the functional limitations imposed by an individual's disability. Devices or services required solely for training or employment that are not the result of the person's disability are considered equipment, not rehabilitation technology.

Assistive technology device means an item, piece of equipment, or product system, whether acquired commercially off the shelf, modified, or customized, that is used to increase, maintain, or improve the functional capabilities of individuals with disabilities.

Assistive technology service means any service that directly helps an individual with a disability select, acquire, or use an assistive technology device, including:

assessing the needs of an individual with a disability, including how the individual functions in his/her customary environment or the environment where the device will be used, such as the home or work site;

purchasing, leasing, or otherwise providing assistive technology devices;

selecting, designing, fitting, customizing, adapting, applying, maintaining, repairing, or replacing assistive technology devices;

coordinating and using other therapies, interventions, or services with assistive technology devices;

training or technical assistance regarding rehabilitation technology required by an individual with a disability, or, where appropriate, other family members;

training or technical assistance regarding rehabilitation technology needed by the individual for others who play a major role in the individual's life. This could include professionals, employers, or other individuals who provide services such as education and rehabilitation.

Assessing the Need for Rehabilitation Technology

To the maximum extent possible, all assessments for rehabilitation technology will be conducted in the individual's customary environment or the environment where the technology will be used, such as the home or work site. The assessment will provide:

1. pertinent background information about the individual, including, as appropriate, the person's expressed needs and preferences, prognosis, and functional limitations in terms of employment outcomes that the technology must address;

2. functional information about the system, environment or site that the individual uses or will use, including limitations;

3. a detailed recommendation of the specifications for a device, system, or service with justification, including advantages over other options, how it addresses the individual's functional limitations and vocational goals, maintenance cost, and cost/benefits. If a brand or a model is specified, generic equivalents should also be allowed;

4. at least three alternatives considered, including a comparison of features, future expansion capabilities, costs, reliability, etc. If fewer options are considered, the reasons should be documented; and

5. the requirements for delivering the service, including training of the individual, family members and/or employer, necessary modifications to the system or site, follow-up schedule, and potential provider(s).

Providing Rehabilitation Technology

VESID support for rehabilitation technology will be based on the following:

1. The individual will be a primary participant in determining the need for and appropriateness of recommended technology. However, final decisions regarding the purchase of rehabilitation technology involving VESID's funds are the responsibility of VESID.

2. VESID will only support rehabilitation technology that is necessary to determine eligibility or to achieve the individual's vocational objectives and goals because of the functional limitations of his or her disability.

3. VESID will support the most cost-effective device or service that meets the vocational needs of the individual. The individual may choose to obtain more sophisticated or costly devices or services if he or she makes up the difference in cost.

4. Economic need must be established for the purchase of rehabilitation technology services, other than to assess eligibility and vocational rehabilitation needs.

5. Equipment and devices will remain the property of VESID until VESID transfers ownership once the individual is successfully employed. The individual must acknowledge in writing that he or she understands that VESID retains ownership and will return the equipment or device to VESID, or repay VESID, if the goals of the IWRP are not met.

6. VESID will pay for the initial acquisition and installation of the system, software and supplies needed to achieve the individual's rehabilitation goal. Routine maintenance and repair is the responsibility of the party who owns the device. That is, until closing a person's case as successfully rehabilitated, VESID will pay for maintenance and repairs of the device not covered by warranty. After ownership is transferred to the individual at the time of placement and

successful completion of the IWRP, the individual is responsible for all future costs of maintaining and repairing the device.

7. VESID will pay for the replacement or upgrading of assistive technology devices for eligible individuals only when the original system is no longer adequate because of the individual's disability, when there is a change in his or her vocational goal, when replacement is more cost effective than repairs or when the person will be unable to maintain employment without the replacement or upgrade. All other requirements of this policy continue to apply for replacement and upgrading.

8. After providing rehabilitation technology, VESID will verify the adequacy and effectiveness of the service to meet the vocational needs of the individual.

Responsibility of Others in Providing Rehabilitation Technology

Rehabilitation technology, in the form of assistive technology devices and services, may be the responsibility of agencies, programs, and employers as reasonable accommodations under the Americans with Disabilities Act and/or under Sections 503 and 504 of the Rehabilitation Act. For instance, schools, colleges and postsecondary programs often modify computers in their technology labs to allow access by students with disabilities. Likewise, an employer may provide an ergonomic chair to allow a worker to sit comfortably at the work site. VESID will not provide rehabilitation technology that is the responsibility of others as reasonable accommodations for individuals to fully participate in their programs, services or employment.

Qualifications and Approval of Providers of Rehabilitation Technology

The qualifications of persons or organizations conducting assessments or providing rehabilitation technology for VESID will be approved on the basis of education, experience, ability to work successfully with individuals with disabilities, and ability to provide comprehensive reports of findings and recommendations upon which to develop a plan for rehabilitation technology services. Such individuals must:

1. have successfully attained skills and knowledge in the delivery of rehabilitation technology services;

2. document successful experiences in providing rehabilitation technology services to individuals with disabilities in their area of expertise;

3. demonstrate the ability to assess and deliver rehabilitation technology services and communicate the results effectively orally and in writing in a clear, concise, logical and objective manner; and

4. maintain adequate liability insurance.

Service Limits

Assessment - VESID has established general cost and durational parameters for assessing an individual's need for rehabilitation technology services. VESID's payment includes the costs of assessing the individual in his or her customary or intended environment, as well as preparing the detailed report and recommendations required by VESID. Waiver requests to exceed these parameters must be fully justified and approved through VESID's waiver process.

Purchase - Because of the individualized nature of the rehabilitation technology services required by persons with disabilities, VESID has not established cost or durational parameters for the purchase of technology devices or systems. However, plans for rehabilitation technology services are subject to various levels of review, based on the cost of the recommended service or device.

Attachment 5.1(c): Personal Assistance Services

Personal assistance services are a range of services to assist an individual with a disability to perform more independently those activities that the individual would typically accomplish if he or she did not have a disability. These consumer directed services increase the individual's control of his or her ability to perform everyday activities, and consequently lead to greater independence and achievement of the individual's vocational goal. Personal assistance services may be provided on or off the job only while the individual is receiving other vocational rehabilitation services.

VESID can provide personal assistance services when necessary to determine eligibility, assess vocational needs or achieve an employment goal as agreed upon in an Individualized Written Rehabilitation Program (IWRP). These services are subject to economic need, and comparable benefits must be fully considered.

Personal assistance services may be provided on a limited basis after the individual with a disability becomes employed if all of the following conditions are met:

- they are necessary for the individual to maintain the job;
- no other sources of support are available;
- they are limited in scope and duration; and
- arrangements have been made or are being made for the personal assistance services to continue through other sources after VESID support ends. VESID continues to work with independent living centers to develop plans for individuals who will need personal assistance services after they become employed and their vocational rehabilitation services have ended.

Personal assistance services may be the responsibility of agencies, programs, and employers as reasonable accommodations under the Americans with Disabilities Act and/or under Section 503 or 504 of the Rehabilitation Act. VESID will not provide personal assistance services that are the responsibility of others as reasonable accommodations to enable individuals to fully participate in their programs, services or employment.

Personal assistance services provided by VESID on a statewide basis include:

Attendant Services are provided to individuals with disabilities who, because of their disabilities, have limited mobility, endurance or personal care skills. These services may include, but are not limited to, assistance with personal hygiene, mobility, eating, dressing, errands and minor communication needs such as check writing, telephone calls and messages.

Interpreter Services are provided to individuals who are hard of hearing or deaf or people with severe speech impediments who, because of their disabilities, experience limited verbal communication skills and have the ability to use interpreter services. People who are hard of hearing or deaf communicate in a variety of modes, such as American Sign Language, Signing in Exact English, Pidgin Signed English or Signed English.

Reader Services may include the following:

- reading and recording notes for later listening by the individual;
- recording textbooks or other printed materials;
- use of amanuensis during tests or written examinations;
- use of a laboratory assistant when an individual must participate in laboratory experiments or exercises; and
- reading work related materials for an individual with a disability in an employment setting.

Reader services are provided with VESID funds only if there is no alternative such as the Readers Aid Program, volunteer readers, reading machines, magnification devices, braille, or large print resources.

Notetaker Services are taking notes in classes or other training situations. Notetaker services are provided if there is no viable alternative such as volunteers, teacher notes, or preprinted material.

Attachment 5.3: Policies and Procedures Relating to Choice

VESID recognizes that individuals with disabilities, their families and representatives are partners with their vocational rehabilitation counselor in the vocational rehabilitation program. The active involvement of consumers contributes to the success of and satisfaction with the vocational outcomes and independence they achieve. Therefore, VESID encourages all individuals with disabilities to be active participants in designing and fulfilling their individualized rehabilitation programs.

One primary goal of the vocational rehabilitation process is to foster the greatest degree of independence and responsibility as appropriate for an individual. Individuals are encouraged to be as independent and responsible as possible and their roles and responsibilities in fulfilling their IWRP should be planned. When appropriate and practical, consumers should schedule their own appointments, complete investigatory assignments and perform other real life tasks to learn about employment and service options. However, vocational rehabilitation counselors should provide full support and guidance to individuals as needed. In particular, counselors should provide individualized guidance to persons with cognitive or other disabilities which may impair their ability to obtain and understand such information independently.

Families, representatives and others may also play an important role in the success of a vocational rehabilitation program to the extent the individual with a disability requests, desires and needs such supports. As appropriate, family members and others should be included in the investigation and selection of options.

In addition to encouraging the involvement of people with disabilities in their own service plans, VESID also seeks and incorporates the views of individuals with disabilities in developing and implementing the plans, policies and administration of the vocational rehabilitation program at the local, State and national levels.

The IWRP must include a statement by the individual, in his or her own words, describing how the individual was informed about and involved in choosing among alternative goals, objectives, services providers and methods to obtain services. Jointly with the VESID counselor, the individual will have an annual opportunity to review the IWRP, revise it as necessary, agree to its terms and sign the IWRP amendment which will indicate any changes from this annual review. Other areas of consumer involvement are documented in casenotes. VESID's policies support the involvement of individuals in making meaningful and informed choices about:

- the need for further medical and/or vocational assessments;
- the selection of their vocational goals and objectives;
- the vocational rehabilitation services they receive;
- the selection of the providers of their services;

- the level of integration of their selected employment goal;
- the suitability of a particular placement; and
- the need for post employment or extended services.

The vocational rehabilitation counselor, with the advice and input of involved persons from other agencies and programs as needed, assists individuals in learning about options and how to make informed choices, based on an understanding of VESID's policies and procedures, and developing programs to meet their individualized needs. This may include, as appropriate, assisting the individual in acquiring information about the cost, accessibility, and duration of potential services, the level of consumer satisfaction with these services, the qualifications of potential service providers, the types of services offered by those providers and the level of integration of their services. VESID bases this information to the maximum extent possible on lists of approved vendors, satisfaction surveys of consumers, information available from other qualified sources such as the State Education Department's Bureau of Proprietary Schools Supervision in the case of business and trade schools, and past performance measures maintained by VESID. Improvements are being made in the electronic vendor files so that consumers will have more information available about their options before deciding about services or providers.

While individuals are encouraged to actively participate and make meaningful choices, consumer choice does not mean that they have complete control over their programs. Vocational rehabilitation counselors must also apply their professional judgement; applicable laws, regulations, and policies; sound planning considerations; and responsible use of public funds. Services must lead directly to employment objectives that are realistic, timely and attainable within the fiscal constraints of the program. This means that VESID will only support the most cost-effective option that leads to the individual's vocational goal and to meeting the individual's needs. Cost effectiveness is measured by comparing cost, level of integration, duration, quality, timeliness, proximity, appropriateness of service options and other relevant factors to meet the individual's needs.

In some cases, disagreement between the individual's choice and the counselor's professional judgement cannot be reconciled through discussion and counseling. When this occurs, the administrative review and impartial hearing process, including the availability of the Client Assistance Program, must be clearly explained and attempts to resolve the situation informally should continue (See Attachment 4.15).

VESID continues to emphasize the critical importance of consumer involvement in the vocational rehabilitation process through extensive staff training and development activities. These training activities provide each counselor with the strategies and skills needed to ensure the participation of consumers in the decision-making process and also provide counselors with the skills necessary to assist consumers in making independent choices.

Attachment 6.4: Utilization of Community Rehabilitation Programs

VESID approves nonprofit community rehabilitation programs for funding through contracts, based on VESID's ***Interim Program and Rate Review Guidelines***. Service providers receive funds through contracts, which include cooperative agreements for Unified Contract Services, supported employment, independent living centers, interpreter referral and other rehabilitation services (non-Unified Contract Services). These cooperative agreements provide a basis for mutual understanding and support for these programs. The development of cooperative agreements is based on a comprehensive analysis of service needs and the ability of the program to deliver successful consumer outcomes. VESID continues to identify cooperative agreement partners by:

- Maintaining an inventory of community rehabilitation programs, including an analysis of consumers served by disability and use of each program by VESID as compared to its capacity. The effectiveness of VESID's resource allocation planning for community rehabilitation programs is demonstrated by very high percentage utilization levels.

- Analyzing current community rehabilitation services to determine future needs. VESID encourages community rehabilitation programs which desire to maintain VESID funding to redirect employment training resources which traditionally result in sheltered employment towards services leading to integrated employment, such as:

    - expansion of traditional Work Adjustment Training programs;

    - supported employment programs;

    - training programs which include direct arrangements with local employers; and

    - placement programs linked directly with assessment programs, school districts, Boards of Cooperative Educational Services, local Workforce Development Boards and employer-focused services.

- Soliciting input on future needs from individual consumers, groups of consumers and consumer advocates and representatives. VESID's system of program approval and evaluation is in operation.

VESID has developed outcome-based program evaluation techniques to assess the capacity and effectiveness of community rehabilitation programs.

Performance-Based Program Evaluation - Given the structure of Performance-Based Programs, the evaluation of these programs has the following characteristics:

- New non-proprietary programs are approved only for an initial trial period, usually one year, after which the approval automatically "sunsets."

- Performance outcomes and expectations are established for new programs. For example, new placement programs are expected to achieve a 70 percent success rate; i.e., 70 percent of the consumers who complete the assessment phase of the placement program and actually enter the placement preparation phase are expected to maintain successful employment.

- Consumer and District Office satisfaction with services is assessed. All consumers served in the program during the trial period are contacted by mail and asked to comment on both their actual outcome from the program and their satisfaction with that outcome. Post-paid return envelopes are provided. District Office staff are asked to comment on their experiences with services, reporting and any other aspects of the program as well as recommend continuation, alteration or cancellation of the program.

- Prior to the sunset date, the program is reviewed. Outcomes are tallied and compared to consumer and District Office recommendations. Programs are then continued, altered or canceled.

The following summarizes the results of VESID's program evaluation system to date:

- Since 1992, 112 new programs were placed into the system. Of these, 54 are now in process of review or still in their first year of operation.

- Eight of the 58 programs which completed the evaluation process were canceled by VESID because of poor outcomes and consumer dissatisfaction with the services provided. One of these was a program which had been in use for over 40 years.

- Seven additional programs voluntarily canceled operation when they were unable to achieve expected outcomes during the first year.

- Eighteen additional programs were substantially restructured because of failure to meet established outcome expectations and/or consumer dissatisfaction.

- Programs developed via this system of close monitoring and revision of structure have served as models for other programs developed by VESID, including short-term assessment programs and direct placement services.

Additional existing assessment and training funds were redirected into integrated employment options, including skills training, placement services and supported employment. An additional $600,000 in supported employment funds were also distributed to expand services. These supported employment funds were redirected from existing contracted services which were either producing below contracted goals or from services which were not leading to integrated employment.

Attachment 6.7(b): Explanation to Support the Decision Not to Establish an Order of Selection

The Rehabilitation Act requires that if vocational rehabilitation services cannot be provided to all eligible persons who apply, an order of selection must be established to prioritize limited resources. The Act also requires that under an order of selection, the State agency must first serve those individuals with the most severe disabilities. The decision to implement an order of selection must be based on a review of VESID's resources and service provision during the current and preceding fiscal years, as well as projections of service need and anticipated staffing and budget levels for the fiscal year beginning October 1, 1997.

CURRENT AND PRECEDING YEARS' RESOURCES

During FFY 1996, VESID had sufficient resources to serve all eligible persons who applied for services and anticipates having sufficient resources through the remainder of the current FFY. VESID offers the following information to support this assurance.

- **assessments for all applicants**

Last year, nearly 48,000 persons applied for VESID services. VESID expects approximately the same number of applicants through FFY 1997. All individuals who apply for services are assessed to determine eligibility and vocational rehabilitation service needs. More than 33,000 individuals were determined eligible for services last year and approximately the same number of eligibility determinations are projected through the end of FFY 1997. Through VESID's reform efforts, access to services has been significantly improved and streamlined. Reliance on existing documentation, including observation and applicants' self-reports, has resulted in lower assessment costs and quicker eligibility decisions.

- **a full range of services to all eligible persons**

During the last year, VESID spent more than $95 million on the full range of services contained in §103 - Scope of Services of the Rehabilitation Act. VESID's 15 District Offices offer counseling, guidance and placement services and arrange for purchased services for all eligible individuals.

- **referral forms widely available throughout the State**

VESID's application package is available at schools, other agencies, community rehabilitation programs, providers, medical institutions, Department of Labor sites,

independent living centers, urban community organizations, and advocacy organizations. In many offices, new applicants are invited to attend group orientation programs where they can learn more about vocational rehabilitation services and the expectations of the program and apply for services on the spot. In addition, VESID and other agencies serving persons with disabilities have jointly developed an interagency referral form to transmit necessary information for eligibility determinations from referral agencies to VESID. These efforts, along with better awareness among referral sources about VESID eligibility requirements, have resulted in a steady decrease in the number of persons who apply but are not determined eligible over the past four years.

- **outreach to unserved and underserved populations**

VESID continues to reach out to persons who have not had full opportunities under the vocational rehabilitation program in the past. Based on input from community groups, VESID has targeted outreach to specific minority groups (African-Americans, Native Americans, Latinos and Asian-Americans), and individuals who are deaf, have traumatic brain injuries, or have a diagnosis or history of mental illness. Recent outreach efforts are described in Attachment 7.6 of this State Plan.

- **prompt eligibility determinations, Individualized Written Rehabilitation Program (IWRP) development and service provision**

As part of its mission statement, VESID's goal is to "provide the highest quality vocational rehabilitation and independent living services to all eligible persons as quickly as those services are required..." VESID has implemented a policy that eligibility determinations must be made within 60 days of receipt of applications. VESID's recent case reviews indicate a very high level of compliance with this policy. In many cases, VESID has achieved even quicker eligibility determinations using group orientation, a team approach to vocational rehabilitation counseling, and asking individuals to bring in eligibility information to their first meeting. VESID does not maintain waiting lists for eligibility or for services.

After eligibility is determined, the case reviews reveal prompt action on the part of District Office staff to assist individuals in selecting a goal and developing a course of action to achieve that goal. In 93 percent of cases, the case record indicates that timely activity was taken to develop the IWRP. In addition, the case reviews show that appropriate consumer contact was maintained after the IWRP was developed.

EXPECTED FFY 1998 RESOURCES

VESID expects that during the fiscal year beginning October 1, 1997, fiscal and personnel resources will be sufficient to serve all eligible persons who apply for services. This expectation is based on VESID's projections of Federal and State funding, referral levels, eligibility rates, service needs including persons with severe disabilities and staffing plans. In meeting this expectation, VESID affirms that it will:

- continue to provide a full range of services to all persons currently receiving services;
- provide assessment services to all persons expected to apply next fiscal year;
- serve all persons expected to be determined eligible next year; and
- meet all statutory program requirements.

VESID will closely monitor the impact that major programmatic reforms in Welfare, Social Security, and Work Force Development may have on its resources and caseload throughout the fiscal year. If VESID's projected costs and caseload begin to more aggressively strain VESID's resources because of changes outside of its control, VESID will exhaust all administrative approaches to try to avoid implementing an Order of Selection.

This attachment must also describe the priority order under which individuals would be served if VESID was not able to serve all eligible persons who apply for services. Under an order of selection, individuals would be assigned to priority categories based only on the following criteria regardless of residency, type of disability, referral source, type of expected outcome, need for specific service, income level, age, color, religion, creed, disability, marital status, veteran status, national origin, race, gender, or sexual orientation. Individuals who are Public Safety Officers and whose disability is a result of action performed in the line of duty and which is a result of a criminal act, apparent criminal act or a hazardous condition resulting directly from the officer's performance of duties in direct connection with the enforcement, execution and administration of law, fire prevention, fire fighting or related public safety activities and meet eligibility criteria for a specific category, would be given priority for services within that specific category of eligibility.

Priority Category I - Persons with Most Severe Disabilities

An individual with a most severe disability:

(a) has one or more physical or mental disabilities determined by an assessment of eligibility and vocational rehabilitation needs to cause substantial functional limitations; and

(b) has a severe physical or mental impairment which seriously limits three or more functional capacities (such as mobility, communication, self-care, self-direction, interpersonal skills, cognition, work tolerance, or work skills) in terms of an employment outcome; and

(c) whose vocational rehabilitation will require multiple vocational rehabilitation services over an extended period of time.

Priority Category II - Persons with Severe Disabilities

An individual with a severe disability:

(a) has one or more physical or mental disabilities determined by an assessment of eligibility and vocational rehabilitation needs to cause substantial functional limitations; and

(b) has a severe physical or mental impairment which seriously limits one or two functional capacities (mobility, communication, self-care, self-direction, interpersonal skills, cognition, work tolerance, or work skills) in terms of achieving an employment outcome; and

(c) whose vocational rehabilitation will require multiple vocational rehabilitation services over an extended period of time.

Priority Category III - Persons with Less Severe Disabilities

This category includes eligible individuals with less severe disabilities who are not included in Categories I and II.

IMPACT ON NEW PERSONS EXPECTED TO BE CERTIFIED ELIGIBLE FOR VOCATIONAL REHABILITATION SERVICES FOR FFY 1997-98 OCTOBER 1, 1997-SEPTEMBER 30, 1998

If funding is sufficient to only serve persons in this priority category and all higher priority categories...		then this number of persons would receive services,	and this number of persons would not receive services.
I.	Persons with the most severe disabilities	13,640	20,290
II.	Persons with severe disabilities	22,620	11,310
III.	Persons with less severe disabilities	33,930	0

Attachment 6.12(c)(2): Services Subject to Financial Need

Federal Policy

Federal regulations governing the vocational rehabilitation program give states the option of considering the ability of individuals and their families to share in the cost of certain vocational rehabilitation services. According to Federal regulations, financial need cannot be considered when providing assessment for determining eligibility and vocational rehabilitation needs, counseling, guidance and referral services, and work-related placement.

VESID's Policy

VESID has chosen to measure the economic need of individuals to determine if they have resources available to help support their rehabilitation program. This allows VESID to focus limited resources on providing vocational rehabilitation services to those individuals most in need. Determining economic need is an important component of the counseling relationship between the consumer and VESID counselor. Consumers' participation in the cost of their services may strengthen their commitment to the success of their rehabilitation programs.

VESID's economic need policy is based on the following philosophy:

- Limited public vocational rehabilitation funds will be directed to those individuals who truly cannot afford needed services.
- VESID's economic need methodology will reasonably measure individuals' available resources.
- Individuals who have available resources should contribute toward the cost of their vocational rehabilitation services.
- All persons in similar circumstances will be treated equitably. VESID maintains State regulations and policies that establish the method for calculating an individual's available resources.

Services Contingent on Economic Need

In June 1996, the Board of Regents approved the following services to be contingent on economic need:

- all training services;
- transition services;
- intensive supported employment services;
- physical and mental restoration services;
- maintenance (except during assessment);
- medical care for acute conditions arising during the program;
- rehabilitation technology services other than for the purpose of assessing eligibility and vocational rehabilitation needs;
- transportation (except during assessment);
- books and related training materials;
- occupational tools and equipment;
- stocks and supplies for self-employment;
- occupational and business licenses;
- modifications to homes, vehicles and work sites;
- telecommunications, sensory and other technological aids and devices;
- services to other family members;
- personal assistance services including interpreters, attendants, readers and notetakers;
- driver training; and
- all other goods and services not exempt in State regulation.

Based on this direction, VESID had planned to add all services, except those that are federally exempt, to economic need on October 1, 1997. However, because of the extent of the public comments on economic need received, VESID has decided to postpone the change to take into consideration all public comments, both verbal and written. Therefore, effective October 1, 1997, the following vocational rehabilitation services may not be provided until available consumer resources have been applied toward the cost:

- training services, including tuition and related fees at colleges and universities, with the exception of training at approved community rehabilitation programs, work-study, on-the-job training and cost-effective skills training;
- physical and mental restoration services;
- maintenance (except during evaluation);
- medical care for acute conditions arising during the program;
- rehabilitation technology services other than for the purpose of assessment for determining eligibility and vocational rehabilitation needs;
- transportation (except during assessment, special transportation and transportation to attend an administrative review or impartial hearing);
- books and related training materials;
- occupational tools and equipment;
- stocks and supplies for self-employment;

- occupational and business licenses;
- modifications to homes, vehicles and work sites;
- telecommunications, sensory and other technological aids and devices;
- driver training (except at approved community rehabilitation programs and regionally accredited adaptive driver training centers or other driver training providers if the cost to VESID does not exceed the cost at the regionally accredited adaptive driver training center closest to the consumer);
- services to other family members; and
- all other goods and services not exempt in State regulation.

Attachment 7.2: Summary of the Comprehensive, Statewide Needs Assessment of the Rehabilitation and Career Needs of Individuals with Severe Disabilities and the Need for Supported Employment Services

Each year, VESID engages in a comprehensive, interagency review of the needs of persons with the most severe disabilities for expanded supported employment opportunities. VESID works closely with the Office of Mental Retardation and Developmental Disabilities (OMRDD) and the Office of Mental Health (OMH) to coordinate the planning and allocation of supported employment services to meet the needs of persons with the most severe disabilities. VESID also works with OMH to develop an improved planning, budgeting and allocation process for supported employment extended services.

During the July-September 1996 reporting quarter, providers of supported employment services reported that 710 individuals were waiting for intensive supported employment services. To meet this need, VESID redirected $600,000 during the current contract year from services that had traditionally led to sheltered employment to services that lead to integrated employment, in addition to the funds already allocated for this purpose.

VESID staff work cooperatively with transition teams in secondary schools across the State to provide input about vocational rehabilitation. Effective transition plans are designed as part of the effort to achieve the joint development of the Individualized Education Program and Individualized Written Rehabilitation Program, including the need for supported employment placements. During 1995, referrals from special education programs comprised 17 percent of the numbers of people served in the interagency supported employment model.

Through the State Education Department agreements with OMRDD and OMH, assessment and coordination of services for youth with disabilities are addressed. Twelve transition councils or consortia are funded through the special education services program for the purpose of transition planning. In Rochester, the Transition Collaborative, consisting of school representatives, community service agencies, and adult agencies, has developed a standardized format for exchanging meaningful information between schools and adult service agencies to expedite referral and assessment processes.

Further activities include the joint OMRDD and SED Field Memorandum on "Enhancing Family Preservation through Coordination of Services for Children with Developmental Disabilities." This Memorandum facilitates the development of options for families and children of all ages so that out-of-home placements can be avoided through the creation of alternative services, including supported employment placements.

Attachment 7.3: Quality, Scope, and Extent of Supported Employment Services

The resources invested in VESID's supported employment initiative result in consumers receiving services such as job planning, counseling, assessment, job development, intensive job-site training or extended job retention training. In addition, consumers and family members receive benefits training and advocacy services. Training is also provided to direct service personnel, such as job coaches and job coaching supervisors. Through the passage of Chapter 515 of the Laws of 1992, integrated employment, including supported employment, is implemented through a collaborative interagency process in New York State. VESID has been designated as having the primary statewide responsibility for development and administration of integrated employment, including intensive supported employment services. The State agencies responsible for the extended phases of supported employment work collaboratively with VESID to ensure the provision of comprehensive supported employment services in New York State.

In addition to Chapter 515, the framework for supported employment has been established by the "Memorandum of Understanding Regarding Supported Employment," the "Principles and Operating Guidelines for Vocational Rehabilitation Services and Employment" and the "Quality Indicators for Supported Employment." Through the framework established by these documents, Federal regulation and Chapter 515 of the Laws of 1992, the following have been established as provider responsibilities:

- actively involve consumers, and where appropriate their families, in assessment, planning and decision making throughout the service delivery process;
- consider the individual's and employer's satisfaction with the provider's services and with the placement;
- through a consumer-centered decision making process, pursue the goals detailed in the Individualized Written Rehabilitation Program (IWRP) by using supported employment resources to the best advantage of the individual;
- report in a timely fashion on programmatic and fiscal requirements;
- deliver supported employment services in accordance with Federal and State standards and any additional contractual obligations unique to the funding source;

- strive continuously to increase the frequency with which services are delivered at the best practices level; and

- administer programs in a way that promote the continued availability of existing supported employment services which operate at a reasonable and necessary cost.

Eligibility for Supported Employment

Supported employment services may be provided to any interested individual choosing to work in an integrated setting and who has:

1. a most severe disability, and has not worked, or has worked only intermittently, in competitive employment;

2. been determined on the basis of an assessment of rehabilitation needs, including a consideration of whether supported employment is a possible vocational outcome, to meet the eligibility criteria for the State Vocational Rehabilitation Services Program (34 CFR 361.42); and

3. has the need for ongoing support services in order to perform and sustain competitive work.

An Individual With A Most Severe Disability:

(a) has one or more physical or mental disabilities, determined by an assessment of eligibility and vocational rehabilitation needs to cause substantial functional limitations; and

(b) has a severe physical or mental impairment which seriously limits three or more functional capacities (such as mobility, communication, self-care, self-direction, interpersonal skills, cognition, work tolerance, or work skills) in terms of an employment outcome; and

(c) whose vocational rehabilitation will require multiple vocational rehabilitation services over an extended period of time.

Supported Employment Program Standards

Service quality standards for supported employment have been established through the development and issuance of provider guidelines. All supported employment programs funded by VESID are required to be specifically designed to serve individuals with the most severe disabilities who require intensive and ongoing job related services, unlimited extended services, and advocacy with their employers, coworkers, and families to ease their integration into the work force.

Integration of persons with severe disabilities into a work force of nondisabled persons must be emphasized and should include job placement, job site training for productivity and for interaction with nondisabled coworkers, ongoing assessment, and follow up. Service to employers should be arranged as needed, including coworker training and job site modification. Extended services, including ongoing support for job coaches, case managers and other support services, will be provided by the Office of Mental Health (OMH), Office of Mental Retardation and Developmental Disabilities (OMRDD) and through other resources, including a State Extended Services Fund for supported employment, which is administered by VESID.

Federal Title VIc funds for supported employment programs were initially used to develop model programs and closely monitor field trials of supported employment services to determine the most effective supported employment procedures and methods, and to determine which modifications or new methods work best with different populations. The successful experiences of model programs were disseminated through conferences, newsletters and field contacts. Current emphasis is on developing methods to extend supported employment opportunities to underserved groups, such as people with psychiatric disabilities, traumatic brain injuries, severe mobility impairments, communication impairments, severe learning disabilities and multiple disabilities. Comprehensive supported employment programs should provide:

- assessment of individual work skills and individual placement;
- job development;
- situational assessments;
- intensive job site training;
- related counseling and advocacy services; and
- extended follow-up services to reinforce and maintain employment.

The VESID counselor monitors the individual's progress through the sequence of services and advocates for necessary changes in approach by provider staff. VESID counselors develop the IWRP in cooperation with each individual and service provider. The IWRP includes a description of the supported employment services provided, the extended services needed and the source of such extended services. In addition, the IWRP is coordinated with services provided under other required plans, such as the Individualized Education Program (IEP). The VESID counselor closes the case when the job placement appears stabilized at the lowest appropriate level of intervention necessary to maintain employment. The counselor also arranges for provider responsibility to continue the job retention services.

Supported Employment Program Reporting

Each supported employment project is required to complete individual and quarterly narrative reports in a format specified by the Supported Employment Interagency Reporting System and in a reporting format as required to assess the person's progress in relation to the IWRP. Such IWRP related reporting will indicate services delivered in the areas of assessment, job development/placement, and intensive training. Agencies will submit the required reports within given time frames.

In addition, onsite reviews are conducted by VESID through a program review protocol to ensure compliance with the project proposal and contract requirements. Specific staff units responsible for completion of the VESID reports and coordination of site visits have been identified. Interagency planning activities will provide for a review of data and recommendations for possible changes in program standards.

Supported Employment Service Intervention

The purpose of supported employment intervention is to provide all the services necessary to assist the person with:

- learning specific work duties and performance standards;
- learning formal and informal site-related expectations (e.g., time and attendance, dress, communication protocol);
- acquiring site-appropriate work-related behaviors when dealing with supervisors and coworkers;
- acquiring the sense of belonging to the work force;

- understanding and using the benefits of employment (e.g., spending pay, using leave, participating in employee programs, working under direction from the supervisor, socializing with co-workers); and

- developing a community support system that accommodates and positively reinforces the employee's role as a worker.

The intervention strategies used by the supported employment staff will vary among the individuals served. With individuals having difficulty with generalization, staff should be skilled in the use of structured training techniques for teaching job performance skills, job-related skills and work behaviors. Some individuals may require clinical and vocational counseling while in supported employment to relate effectively with coworkers and supervisors, and to minimize the effects of their disability in the work place. Interventions may also deal with the issue of stigma in the work place.

Staff are expected to design strategies appropriate for assisting the individual in meeting employer expectations and interpersonal skills. In addition to job-related services away from the job site, responsibilities may include assisting the trainee and his or her family to make any related changes in lifestyle or expectations needed to support the trainee's continued employment. This may include changing the trainee's waking and sleeping schedule, arranging for transportation assistance, rescheduling leisure activity time, advocacy, and benefits advisement. Job coaches should utilize any available community resources in meeting consumer needs as a means of assisting the individual in maintaining employment.

Supported Employment Data

VESID, through the Supported Employment Interagency Reporting and Monitoring System, has been collecting data on individuals with disabilities in supported employment programs. This interagency system integrates data from OMRDD, OMH, Commission for the Blind and Visually Handicapped (CBVH) and VESID. Information collected on each individual includes:

- hours of preemployment services, which include screening and assessment, job development, job placement and advocacy;

- hours of onsite and offsite interventions;

- total hours of service provided;

- extended services funding source; and

- average weekly work hours and wages paid.

Information gathered on each supported employment program includes current staff vacancies, staff training provided, program obstacles encountered, major accomplishments and achievements, and technical assistance required.

Summary of Supported Employment Impact on Consumers and Providers

Since 1989, there has been a significant increase in the number of consumers receiving supported employment services. Data taken from the VESID expenditure plan for the years 1989-1996 and projected for 1997 are summarized in the chart on the following page.

Through the end of State Fiscal Year 1997-1998, VESID supported employment activities are projected to result in the following annual outcomes:

- approximately 5,400 individual consumers will receive intensive supported employment services through VESID contracts serving 3,300 full-time equivalents;

- over 800 consumers, family members and direct service personnel will receive training through VESID sponsored training and collaborative training efforts with OMRDD, OMH, CBVH, Cornell University and the New York State Rehabilitation Association; and

- approximately 700 individuals will be served through VESID extended services contracts, resulting in 658 full-time equivalent individuals maintained in employment.

History of VESID's Supported Employment Initiative Contract Capacity				
	Intensive Services	Development (Training) Advocacy	Extended Services	Totals
1988 - 1989 Activity				
Number of Programs	26	23	na	49
FTE Served *	288	150	na	438
1989 - 1990 Activity				
Number of Programs	46	21	37	104
FTE Served	558	594	654	1,806
1990 - 1991 Activity				
Number of Programs	214	14	43	271
FTE Served	2,225	665	537	3,427
1991 - 1992 Activity				
Number of Programs	209	2	42	253
FTE Served	2,075	450	650	3,175
1992 - 1993 Activity				
Number of Programs	***114	3	43	160
FTE Served	2,630	300	792	3,722
1993 - 1994 Activity				
Number of Programs	***107	3	43	153
FTE Served	2,770	300	763	3,833
1994 - 1995 Activity				
Number of Programs	115	3	40	158
FTE Served	3,785	390	713	4,888
1995 - 1996 Activity				
Number of Programs	122	3	41	166
FTE Served	4,732	390	666	5,788
1996-1997 Activity				
Number of Programs	125	3	46	174
FTE Served	4,754	390	728	5,872
1997-1998 Activity**				
Number of Programs	125	3	46	174
FTE Served	4,754	390	728	5,872

* Full-time equivalent
** Projected
*** Reflects program and contract consolidation

Attachment 7.4: Goals and Plans for Distribution of Title VI, Part C Funds

Federal Title VIc funds for supported employment services were initially used to develop model programs to determine the most effective structure for supported employment and to determine what types of services and supports work best with different populations. However, Title VIc resources do not provide sufficient funds to create additional new programs. At present, Title VIc funds represent approximately 11 percent of the total funds being used for intensive supported employment services. VESID will continue the operation of the projects established under Title VIc support. Title VIc funds will continue to be used to supplement, but not supplant, Title I funds.

Model Supported Employment Programs

Current providers for supported employment programs were originally selected through an interagency competitive Request for Proposal (RFP) issued in the fall of 1987, through processes described in earlier Plan submissions. Final selections from among the top scoring agencies were balanced on a statewide basis regarding diversity of population, diversity of geographic location, and model or approach used.

VESID combines Title VIc and Section 110 funds to provide supported employment services to individuals with the most severe disabilities. An additional 70 people will be served from the eight programs funded by the Commission for the Blind and Visually Handicapped's (CBVH) share of the State's Title VIc appropriation, whose contract administration was transferred to VESID in April 1990 by a Memorandum of Understanding (MOU). Should increases in Title VIc occur, Section 110 funds would be shifted to other supported employment program expansion or enhancement. Program evaluation will continue with reviews of statistical data from interagency quarterly report submissions as well as on site reviews including consumer interviews. Successful and exemplary practices have been disseminated to staff of the State agencies involved and to other project sites. Each of VESID's Title VIc programs is designed to:

- provide services to individuals with the most severe disabilities who might not be traditionally considered appropriate for competitive employment;

- develop techniques for unserved and underserved populations, such as those with traumatic brain injury, deafness, multiple disabilities, autism, severe learning disability, and mental illness;

- develop programs having service delivery experience that could be sufficiently documented to address policy decisions;

- develop quality programs that could be used for replication purposes; and

- establish successful supported employment programs that will provide technical assistance to future similar programs.

Title VIc funds are expended at each program site through multiple year contracts, under which performance and costs are reviewed at least annually. Each budget is related to the accomplishment of planned outcomes coordinated with VESID District Office case management priorities. Enabling programs to hire job coaching personnel on a salary basis has led to improved continuity of service to consumers through stable, permanent staffing and continuous supervisory direction. In addition to enhancing the stability of programs, there is also greater flexibility to serve nontraditional populations of individuals with more severe disabilities.

VESID counselors perform case management duties for each Title VIc consumer, including developing the Individualized Written Rehabilitation Program and monitoring its implementation. Since the programs funded under Title VIc represent services to previously underserved individuals, every effort is made to improve the project's performance through continuing technical assistance or service delivery improvements. The following chart summarizes VESID's current level of Federal expenditure in supported employment, the number of programs and individuals served, types of disabilities served in programs and types of supported employment models.

Federal Resources for Supported Employment FFY 96-97				
Funding Source	Number of Programs	Consumers to be Placed	Types of Disabilities	Models
Title VIc CBVH Contracted	9	70	blind, deaf blind, developmental disabilities	individual enclave mobile crew
Title VIc and Section 110 Contracted to continue Title VIc models and expand service delivery	74	1,892	developmental disabilities, severe mental illness, traumatic brain injury, severe physical disabilities, deafness, multiple disabilities, autism	individual enclave mobile crew
Section 110 Traditional Unit Rate Authorizations	multiple	(estimate) 200	developmental disabilities, severe mental illness, traumatic brain injury, deafness, severe physical disabilities	Transitional Employment Program (TEP), affirmative business, individual enclave
Total Federal Resources (contracted only)	83	2,162		

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Attachment 7.5: Evidence of Collaboration Regarding Supported Employment Services and Extended Services

New York State, in response to recommendations made by other State agencies, service providers, advocacy organizations, parents and consumers, has moved to improve the State's delivery system for supported employment by establishing clear roles and responsibilities for this vocational service outcome. Through the passage of Chapter 515 of the Laws of 1992, integrated employment, including supported employment, will be implemented through a collaborative interagency process in New York State. To this end, VESID has been designated as having the primary statewide responsibility for program development and administration of integrated employment, including intensive supported employment services. Relevant State agencies are still responsible for the extended phases of supported employment and are working collaboratively with VESID to ensure the provision of comprehensive supported employment services in New York State.

In addition to Chapter 515, the framework for implementing supported employment has been established by the interagency "Memorandum of Understanding Regarding Supported Employment," the "Principles and Operating Guidelines for Vocational Rehabilitation Services and Employment" and the "Quality Indicators for Supported Employment." This policy framework has been implemented through a variety of interagency initiatives that have resulted in specific supported employment outcomes.

As a requirement of Chapter 515, the State Education Department, through VESID in collaboration with the Office of Mental Retardation and Developmental Disabilities (OMRDD), Office of Mental Health (OMH) and the Commission for the Blind and Visually Handicapped (CBVH), must develop an implementation plan for integrated employment. This implementation plan sets forth the manner in which appropriate responsibilities for funding and administering intensive and extended supported employment services are to be identified.

Implementation Strategies Used to Increase Employment Outcomes

The integrated employment outcomes achieved in the last year occurred, in part, by implementing specific interagency strategies and action steps. The strategies and action steps were developed from implementation themes established through interagency consensus. The four major implementation themes driving these strategies include:

- employment opportunities and employer partnerships;
- consumer empowerment and informed choice;
- coordination and delivery of supports; and
- management and administration of the system.

These implementation strategies were agreed upon through interagency consensus and were revised as necessary to accommodate the employment needs of consumers and the employment opportunities offered by employers. The following summarizes the major implementation strategies and employment outcomes achieved as a result of these strategies:

- increase the use of options that promote consumer choice;
- increase activity with regional employer consortia and/or business advisory councils;
- establish local marketing efforts;
- promote the development of entrepreneurship;
- facilitate school-to-work transition opportunities;
- establish formal methods of assessing consumer satisfaction;
- increase coordination between VESID and mental health providers;
- increase coordination to enhance support services;
- restructure consumer assessment methodology to a community-based approach;
- continue restructuring and downsizing long-term sheltered employment (LTSE) to increase integrated employment;
- coordinate job development and placement activities;
- promote cost effectiveness through innovative service delivery mechanisms;
- coordinate program development, request for proposal (RFP) and program evaluation activities; and
- collocation of staff.

Memorandum of Understanding

From its inception in State Fiscal Year 1988-89, the implementation of activities, programs and services related to the State supported employment appropriation provided to VESID has reflected interagency cooperation and commitment, highlighted by the development of a multiagency Memorandum of Understanding (MOU). This interagency agreement among the Office of Mental Retardation and Developmental Disabilities (OMRDD), Department of Social Services' Commission for the Blind and Visually Handicapped (CBVH), Office of Mental Health (OMH), and the Education Department's Office of Vocational and Educational Services for Individuals with Disabilities (VESID) is the cornerstone of efforts to develop and coordinate supported employment services and supports across New York State.

The MOU is developed annually as part of Chapter 515 of the Laws of 1992, which requires the State Education Department to develop an implementation plan for integrated employment. This implementation plan, which is developed in cooperation with OMRDD, OMH and CBVH, sets forth the manner in which appropriate responsibilities for funding and administering intensive and extended supported employment services are to be identified. This MOU, together with the "Quality Indicators for Supported Employment" and the "Provider Guidelines for Supported Employment" constitute the policy and procedural base for the delivery of supported employment services in New York State.

Provider Guidelines for Supported Employment

At the request of service providers, advocacy organizations, consumers, family members and other key State agencies, VESID developed the "Provider Guidelines for Supported Employment" to assist in establishing a common base of accepted practices and procedures for supported employment. These guidelines are intended to facilitate service delivery and cooperation between VESID and supported employment service providers.

Through Chapter 515 of the Laws of 1992, VESID has been assigned the responsibility for administering, establishing standards and monitoring the intensive service component of supported employment programs. VESID also has responsibility for the provision of extended services to individuals who are not eligible for such services through other sources.

All supported employment programs funded by VESID are required to comply with applicable regulations and to have the following characteristics, unless differences are specifically described in the approved VESID contract.

1. Programs must be explicitly designed to serve those people with the most **severe disabilities** who, by the nature of their vocational impairments, require the availability of (a) intervention and advocacy on their behalf with employers, coworkers and families to ease their integration into the work force, and (b) ongoing support services over an extended period of time to maintain their employment.

2. The program must include the provision of assistance necessary to **maintain the person in employment**, with no end date or time limit placed on this assistance.

3. **Integration** of persons with severe disabilities into a work force of persons without disabilities must be emphasized. Integration must be designed to provide the person with the opportunity for regular interaction in the immediate work setting with people not having disabilities and who are not paid care givers.

4. Programs offering supported employment provide **intensive and extended services** including, but not limited to community based assessment, job development and placement, job-site training and advocacy, and ongoing and related necessary supports. Where needed, services to employers must also be made available, either directly by the program or by the program arranging such services through other agencies, including VESID or CBVH. Employer services include coworker training, job modification, rehabilitation engineering or assistive technology.

    A. **Intensive services** are provided to the individual both on and off the job site as necessary to teach performance of the duties as required by the employer and to foster social integration skills.

    B. Supported employment requires **extended services** beyond the time limited resource capability of the vocational rehabilitation program. Providers must establish a written **Extended Support Service Policy** which describes the methods and the funding source(s) being used for the provision of such services. The policy must include:

        - the title and name of the current incumbent who is responsible for coordinating and directing long-term services;

        - a description of how often and by what method periodic assessments will be done to identify the changing

intervention needs of individuals receiving extended services;

- contingency action steps for handling crises such as placement termination or failure, the employer going out of business, or the community agency discontinuing operation; and

- a provision that each supported employee be provided with an **Extended Services Plan**, describing what services are planned, who will be providing them, whom to contact if problems arise, and how to make direct contact to obtain help with those problems.

5. Employment must provide **payment of wages** commensurate with the individual's ability. Compensation must be in accordance with the Federal Fair Labor Standards Act and the New York State Department of Labor Minimum Wage Order Guidelines for rehabilitation programs.

6. An **hourly minimum employment goal** as cooperatively determined with each person and identified within the person's Individualized Written Rehabilitation Program must be established.

Attachment 7.6: Outreach Procedures for Identifying and Serving Individuals with the Most Severe Disabilities Who are Minorities

VESID continues to implement strategies to reach out to individuals who are minorities who have the most severe disabilities and who have been traditionally underrepresented among the people served by New York State's vocational rehabilitation system. The outreach strategy relies upon grassroots efforts to identify critical issues and strategies. Communication with traditionally underserved individuals or those who serve and represent such persons has resulted in joint agreements and procedures to increase access and employment success.

Work groups continue to maintain relationships with several populations of individuals to ensure continual input, not only on the issues, but on the implementation and evaluation of new strategies and procedures. Currently, VESID meets with work groups advocating for individuals who are deaf, hard of hearing, with traumatic brain injury, from the Alliance for the Mentally Ill, representatives of culturally and linguistically diverse communities, and Native Americans.

The following initiatives are ongoing:

- maintaining relationships with State affiliations for epilepsy, arthritis, traumatic brain injury, learning disabilities, human immunodeficiency virus, end-stage renal disease, and tuberculosis;

- continuing efforts to conduct training sessions, in conjunction with community organizations, in the areas of arthritis, end-stage renal disease, tuberculosis, human immunodeficiency virus, head injury and learning disabilities;

- developing draft guidelines for the provision of transition and rehabilitation services to students with disabilities who are limited English proficient;

- working with the Harlem Independent Living Center and establishing outreach initiatives with other independent living centers throughout the State;

- increasing contacts with minority businesses to expand employment options;

- providing training to representatives of the Mohawk Nation;

- establishing consortia of Native American Nation leaders to discuss rehabilitation needs of Native Americans and developing proposals for private and Federal funding;

- developing internship opportunities for minority, unserved, underserved and Native American graduate students in rehabilitation counseling;

- providing sensitivity training on deaf awareness, deaf culture, and reasonable accommodations to VESID District Offices staff;

- maintaining and expanding contracts with interpreter referral services for the delivery of interpreting services to VESID consumers who are deaf and hard of hearing;

- collaborating with New York State Department of Correctional Services to better serve inmates who are deaf and hard of hearing;

- establishing a work group to enhance the system for training interpreters;

- offering and supporting ongoing training through the State and regional transition partnerships serving individuals who are deaf-blind and their families;

- continuing to meet annually with VESID's Deaf and Hard of Hearing Work Groups, separately, to identify recommendations. The number of consumers who are deaf or hard of hearing served by VESID has declined over the past three years. However, the number of competitive placements has improved (increased from 784-899) and the number of persons served but not rehabilitated has declined (from 327 in 1994-95 to 262 in 1995-96). In the next FFY, VESID will continue to review these trends and explore reasons for their occurrence;

- cosponsoring an annual symposium for professional growth and development among personnel of schools for the deaf and VESID staff; and

- expanding the network of independent living centers to target services to ethnic minorities and other underserved populations in rural and urban settings. Six new centers have been established in the past year, including one for Native Americans.

In addition to these ongoing activities, VESID has established the goal of incorporating the abilities and needs of people from diverse cultural backgrounds in all

aspects of the rehabilitation system. In conjunction with the Commission for the Blind and Visually Handicapped (CBVH), VESID will work toward incorporating cultural diversity concepts into policies, training and hiring practices. VESID has assigned a staff person to coordinate activities in this area across all vocational rehabilitation units and with other units within the State Education Department. A strategic plan for this effort is being developed and implementation will begin this year. A major accomplishment for this year is evidenced by a grant award from the Federal Office of Special Education and Rehabilitative Services (OSERS) for a "Capacity Building Grant" to outreach to minority and underserved populations. This project will provide training on grants writing to community service agencies desirous of expanding their services to include individuals with disabilities. The project is the result of a joint partnership effort between VESID and the Urban League of Northeastern New York. It is a three-year, $350,000 grant anticipated to impact 60 service providers and 600 individuals with disabilities, including those with the most severe disabilities from diverse ethnic and disability backgrounds.

VESID will also work with universities and colleges to ensure access for people from culturally diverse backgrounds who have disabilities and encourage such individuals to pursue professional careers in rehabilitation. Finally, VESID will initiate a special effort to review the capability of existing Adult Centers for Comprehensive Education and Support Services (ACCESS) to respond to the needs of deaf and hard of hearing individuals and will seek to ensure accessibility for all disability populations in the establishment of new ACCESS centers. As part of this initiative, VESID will seek to expand its ongoing cross-system training initiative to address the needs of deaf and hard of hearing individuals.

VESID developed a mechanism in FFY 1996, funded for the current fiscal year at $50,000, to support 10 minority, unserved or underserved students in training in vocational rehabilitation programs in New York State. These students will receive a $5,000 a year stipend and will be placed in a local VESID District Office for their internship. This will support RSA's initiative to enhance the pool of minority, unserved and underserved individuals with disabilities who may be interested in working in a State agency. In addition, VESID has engaged in a train-the-trainer activity sponsored by the Governor's Office of Employee Relations (GOER) and the National Coalition Building Institute (NCBI) to enhance diversity in the work place. This training, which has been cited as one of the most effective programs for improving diversity in the work place, will be provided to all managers and staff of VESID in the coming year.

VESID will continue its efforts to expand the outreach of independent living centers to traditionally underserved populations. The New York State Independent Living Council (NYSILC) has increased the diversity of its membership by adding one Native American and one Latino female to its already diverse council membership. A number of major accomplishments occurred in this area during the past year. The

Harlem Independent Living Center (HILC) continues to expand its outreach efforts within and beyond its local community. The Center provides consultation and training to other independent living centers upon request. It works closely with other New York City independent living centers to expand and enhance independent living services for unserved and underserved individuals. The HILC participates in the New York City Independent Living Week Consortia, a project funded to demonstrate ways of enhancing and expanding independent living services through public relations, marketing and corporate and private sponsorship.

The HILC has provided the first assistive technology conference in the Harlem community with the cosponsorship of NYNEX. The Center has representation on several significant advisory boards: the Region II Rehabilitation Research and Continuing Education Program (RRCEP), New York State Independent Living Council and the Howard University Research and Training Center on Minority Outreach. HILC is planning a housing services project with the World Institute on Disability to address the critical need for consumer involvement in advocating for a systems change in housing in the New York City area, where there is a dire need for affordable, accessible housing.

The HILC anticipates training staff in the Corning/Elmira area on minority outreach issues and is continuing to work closely with the Bronx Independent Living Services Center to provide technical support for the newly established satellite program in the South Bronx area which serves an urban, poor, primarily Hispanic community.

Over the past year, VESID and the New York State Independent Living Council undertook many new initiatives to outreach to unserved and underserved individuals throughout the State. New centers were established to provide services to Native Americans in Western New York State on the Cattaraugus, Tonawanda and Tuscarora reservations; Hispanic individuals in New Rochelle, Mount Vernon and Portchester; migrant workers in Oswego County and isolated rural towns and villages; unserved rural communities in Sullivan County; Hispanic individuals in the South Bronx and urban poverty areas; and rural communities in Lewis County. Targeted outreach efforts have been undertaken through Federal funds to reach individuals with traumatic brain injuries in Steuben County and Rochester areas. Several independent living centers have expanded outreach efforts to recipients of mental health services in Watertown, White Plains, Queens, Middletown, Olean, Jamestown and Newburgh. Other projects have addressed the needs of Hasidic communities in Spring Valley and Kiryas Joel. Efforts are also under way to provide services on the Akwesasne Reservation in St. Lawrence County. An important outcome this past year was the provision of internships by the Native American Independent Living Services (NAILS). NAILS, in conjunction with Niagara Falls Community College (NFCC) Human Services Associates Degree Program, placed two Native Americans with disabilities in

internships at its Independent Living Center. One of the internships led to a job in human services in the community.

VESID had established a Temporary Committee of the State Rehabilitation Advisory Council on HIV/AIDS, consisting of representatives of the HIV/AIDS community and consumers. This committee developed a plan of action which included a staff training curriculum as well as updated methods to improve service delivery and collaboration with other agencies. VESID, along with the state vocational rehabilitation agencies in California, New Jersey and Florida, the four states with the highest incidence of AIDS, is working with the World Institute on Disability (WID) on a three year national project on HIV/AIDS and vocational rehabilitation. WID is an international policy center for people with disabilities whose mission is to promote the independence, full participation and integration of all people with disabilities into society. The project will:

- train key rehabilitation personnel in each state to function as specialists who will expedite statewide training and work with AIDS providers and consumers to develop effective employment strategies;
- enhance and design more effective programs to meet the needs of persons with HIV/AIDS;
- increase access to state vocational rehabilitation agencies and other disability services for people with HIV/AIDS; and
- create a partnership between consumers and professionals to decrease employment barriers, increase employment opportunities and empower people with HIV/AIDS.